THE HARMONY OF Divinity and Law, IN A DISCOURSE ABOUT Not Resisting OF SOVERAIGN PRINCES.

LONDON,

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THE PREFACE.

THE *making of this following Diſcourſe was occaſioned by the* Speech *of* Mr. Sidney, *which by the induſtry of ſome* Birds *of his* Feather *was diſperſed about the Neighbourhood, where the Author lives, and greedily read by the people. This made him think himſelf obliged to indeavour by what prudent means he could, to ſhew the people the falſeneſs, and illegallity of Mr.* Sidney's *Principles, and particularly to take the opportunity which ſhortly after offered it ſelf upon the approach of the* 30th. *of* January, *to preach upon the Subject of* Non-Reſiſtance, *which would give him Scope enough not only to conſider that Speech, but to anſwer all the Objections, which are uſually made againſt the Doctrine of* Non-Reſiſtance, *by the Wits among the* Common-wealths-men.

Accordingly on the 30th *of* January *and the two preceeding* Sundays, *he preached the greateſt part of what is here printed, and tho' it had been eaſie for him to dreſs his Sermons into another form of Diſcourſe, yet he choſe rather to publiſh them, as he preached them,* Sermons *being more bought and read by common people, tho' perhaps not ſo much by learned men.*

That which he hath done more particulary, upon this Subject, than others, who have wrote before him, is to

anſwer the Cavils, and Objections of the Common-wealths-men, *againſt the Doctrine of Not Reſiſting Soveraign Princes; this was the Author's main Deſign in this Undertaking, the good ſucceſs of which, as it came from the Pulpit, makes him hope, that it may, by Gods bleſſing, not meet with ill reception, as it comes from the Preſs.*

In peruſing of it the Reader will find, that it deſerves the Title it bears, for there is a perfect Harmony betwixt our Laws, and the Goſpel, as to the Doctrine of Non-Reſiſtance; *and it is a pity, that any Miniſter of the Church of* England *ſhould want ſo much inſight into the Laws, as not to be able to ſhew the knaviſh, or blind ſide of a Common-wealths-man to the People, when he pretends to Law.*

It is not long ſince it was aſſerted with great confidence, That the King could not pardon the *E.* of *D.* after he was Impeached by the Houſe of Commons before his Tryal; *and the reaſon given for it by ſome, who knew better things, was, becauſe (as they ſaid) an Impeachment of the Commons of* England, *aſſembled in Parliament, had the nature of an Appeal of Murder, which is at the ſuit of the Party; but this is contrary to what is obſerved by* Coke *on the 29th Ch. of* Magna Charta, *where, upon thoſe words* per judicium parium ſuorum, *he writes thus.* 'Here note, *as before is ſaid, that this is to be under-* 'ſtood *of the Kings Suit, for the words be* nec ſuper eum ibi-'mus, nec ſuper eum mittemus, niſi per legale judicium 'parium ſuorum. *Therefore for Example if a Noble Man be* 'Indicted *for Murder, he ſhall be tried by his Peers,* but 'if an Appeal be brought againſt him, which is the Suit 'of the Party, *there he ſhall not be tryed by his Peers, but* 'by an Ordinary Jury *of twelve Men. And that for two Rea-* 'ſons, *Firſt, For that the Appeal cannot be brought before* 'the Lord High Steward *of* England, *who is the only Judg*

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'of Noble Men in Treaſon, or Felony. 2ly. This Statute ex-'tendeth only to the Kings Suit.

From theſe words it is plane that the E. of D's *Impeachment could no more have the nature of an Appeal, than one oppoſite Species can have the Nature of another. Firſt, becauſe he was impeached at the Kings Suit; 2ly, Becauſe he was to be tried by his Peers, before the Lord High Steward of* England; *and 3ly, Becauſe he was Impeached of High Treaſon, all which things are inconſiſtent with the nature of an Appeal, at the Suit of the Party.*

The ſame Republican ſort of Men exclaimed againſt the Lords refuſal of the Commons Impeachment of Fitz-Harris, *(though he was the Kings Priſoner) as an Obſtruction of Publick Juſtice, contrary to the ſame Author, upon the ſame Chapter, who on theſe words* per legale judicium, *hath made this Obſervation. Though of ancient time the Lords and Peers of this Realm, uſed in Parliament to give Judgment in caſe of Treaſon, and Felony, againſt thoſe that were no Lords of Parliament; yet at the ſuit of the Lords it was Enacted, That* * *albeit the Lords, and Peers of the Realm, as Judges of the Parliament in the preſence of the King, had taken upon them to give Judgment in caſe of Treaſon, and Felony, of ſuch as were no Peers of the Realm, that hereafter* no Peers ſhould be driven to give *Judgment on any others, than on their Peers.*

* 4 Edw. 3. n. 6. See alſo Cotton's Abridgment.

The ſame Party of men did alſo pervert the meaning of the word HEIRS *in the Oaths of Allegiance, and Supremacy, from its* common, *and uſual acceptation, to another more* Special, *on purpoſe to elude the force, and obligation of them, which otherwiſe they muſt have had upon the Conſciences of the Excluders themſelves.*

The Common acceptation of the word Heir *is the ſame in* England, *that it was in* Jewry, *where the only Son was to ſucceed to his Fathers whole Eſtate, without his conſent, according to the Law of Succeſſion in that Country. And*

from

from hence it came to paſs, that among the Jews *he was called the* Heir, *to whom the Eſtate of Right did belong, after the Death of the Anceſtor, as it is in our Saviours Parable of the Lord of the Vine-yard,* This is the Heir, come, let us kill him, and ſeize on his Inheritance. *In the ſame ſenſe is the word Heir uſed by the Apoſtle, Galat.* 4. 1. The Heir, as long as he is a Child, differeth nothing from a Servant, though he [*is to*] be Lord of all.

In like manner in this Country, where Men hold their Lands in Fee, *and other things Corporal and Incorporal by perpetual Right; the next of Kin is called the* Heir *in the life time of the Anceſtor, becauſe if he ſurvive, he muſt ſucceed him without any Will, or Teſtament; nay, whether he will or no. In this ſenſe we commonly ſay ſuch an* one *is ſuch a Mans* Heir, *though that Man be living; and ſo in* 25 Edw. 3. c. 2. *it is declared to be High-Treaſon* to compaſs, or imagine the death of the Kings Eldeſt Son, and Heir, *or* to violate the Wife of the Kings Eldeſt Son, and Heir; *ſo that even in the Language of the Law the Kings Eldeſt Son is his* Heir, *while the King is alive. Now in this common, and uſual acceptation of the word, there are Heirs of two ſorts,* Apparent *and* Preſumptive; *the Heir Apparent is ſuch an Heir, as betwixt whom, and his Anceſtor, none can poſſibly come, as the Eldeſt Son always, or Brother, or Nephew, when there is no poſſibility that his Anteceſſor ſhould have iſſue. And the Heir Preſumptive on the other hand, is ſuch an Heir, as is next a kin at preſent, but there is a poſſibility, that a worthier of the blood, or nearer of kin may yet come between that Heir, and the Eſtate, as the Eldeſt Daughter, or Nephew of a Man who is capable of having Children.*

But beſides this common acceptation of the word Heir, *there is one more ſpecial for the* Succeſſor of the deceaſed, *in which Senſe our Lawyers have this Maxim,* non eſt hæres viventis, *which in ſome ſpecial caſes they apply againſt the Heir, when he attempts, or challenges any thing, before*

the

the Death of his Anceſtor, which becomes not his due, till he is dead.

Thus the Heir preſumptive in the life of his Anceſtor, cannot have a Writ de ventre inſpiciendo; *nor can the Kings Eldeſt Son, and Heir, for Example, have any right to the* Exciſe, which is granted to the Kings Heirs and Succeſſors, *until his Father be deceaſed. All the difference between theſe two ſignifications, is this, that the word in the firſt ſignification, is taken for him that hath the right to ſucceed, and in the latter, for him that by virtue of that right hath already ſucceeded to his Anceſtor, that noting the poſſible, and this, the actual Heir.*

But now in the Oaths of Allegiance, and Supremacy, there is no room for this diſtinction, becauſe according to the firſt intendment, and plain meaning of thoſe Oaths, which were made to ſecure the lineal Succeſſion, none can be Succeſſor to the King after his deceaſe, who before it was not his Heir Apparent, or Preſumptive; and on the other hand none can be his Heir Apparent, or Preſumptive, while he lives, but who on ſurvivance muſt be his Succeſſor after death.

Indeed if the Heir to the Crown, Apparent, or Preſumptive, ſhould challenge any thing, which is not due unto him till his Anceſtors deceaſe, then the Maxim, non eſt hæres viventis *would be good againſt him; but it can be of no uſe to make the Oaths of Allegiance and Supremacy reconcileable with a Bill of Excluſion, becauſe* Heirs, *and* Succeſſors *in* common uſage, *and* Common-Law, *both devote a right of Succeſſion, according to Proximity of Blood.*

To this purpoſe ſpeaketh Sir * Edw. Coke, *in the following words. This word* DISCENTS *cometh of the* Latin *word* deſcendere, *and in* legal underſtanding *it is taken, When Land,* &c. *after the death of the Anceſtors, is caſt by courſe of Law upon the Heir——And this is the nobleſt and worthieſt means whereby Lands are derived from one to another, becauſe it is wrought and veſted by the* Act of Law, *and* right of Blood *unto the worthieſt, and* next of the

* 1 Inſtit. l. 3. Sect. 385.

Blood, *and Kindred of the Anceſtor, and therefore it hath not in the* Common-Law *altogether the ſame ſignification that it hath in the* Civil-Law, *for the* Civilians *call him* HEIR, qui ex teſtamento ſuccedit in univerſum jus defuncti, *but by the* Common-Law, *he is only Heir, which Succeedeth by Right of Blood, and therefore if in the foreſaid Oaths, the word* Heirs *be taken in the Common, or Common-Law Senſe, no Man who took thoſe Oaths, could without Violation of them, promote or conſent to the Excluſion of the Common-Law* Heir *to the Crown.*

To the ſame purpoſe he ſpeaks on the 2d. Chap. *of* Magna Charta, *upon theſe Words,* Scilicet hæres vel hæredes. *And as great a Man as he, Dr.* Cowel *in his* Inſtitutes, lib. 2. Tit. 14. *Speaks in like manner thus. The* 'Civilians, *and we have a different acceptation of the Word* 'Heir, *for they call him an* Heir, *whom the Teſtator no-* 'minates *in his Will, and we him, who is next of kin to* 'the *Party deceaſed, unto whom a Fee doth of Right be-* 'long *after the Death of the Anceſtor, ſo* 'that* *we come proverbially to ſay,* it is not 'Man, but God, who makes Heirs, *and* 'that hæres *comes ſoom* hæreditas, *unto* 'which *Succeſſion is by Right of Blood. For* 'we *do not call all the Eſtate of the Party* 'deceaſed *his Inheritance, but only his* Fee, 'or *at leaſt all thoſe Lands and Tenements, with all things* 'Corporal, *and Incorporal, which the Party Deceaſed held* 'by *a perpetual Right. Wherefore if the Common and Legal Senſe of the word* Heir, *be in* England, *as theſe Learned Lawyers have obſerved, let the Excluders who had all ſworn* to bear Faith, and true Allegiance to the Kings HEIRS and SUCCESSORS, and him, and them to defend to their utmoſt power, *and who likewiſe had* ſworn to Aſſiſt, and Defend all Juriſdictions, Priviledges, Preheminences, and Authorities granted, or belonging to the Kings

* Glanv. l. 7. c. 2. Fract. l 2. c. 33. *Solus deus heredem facere poteſt, non homo, dicuntur autem hæreditas & hæres ab hærendo, quod eſt arctè inſidendo. Nam qui hæres eſt hæret, vel dicitur ab hærendo, qui hæreditas ſibi hæret.* Coke 1. Inſt. Sect. 1.

Kings Highness, *his* HEIRS, AND LAWFUL SUCCESSORS, *I say let them consider, whether they could absolve their Consciences from the common, and legal Sense of that word, by that special Maxim in Law,* non est hæres viventis.

I have chosen these few Instances among many more, to shew how the Gentlemen of the Common wealth Faction, *are apt to pervert the Laws; and how requisite it is for Men of Letters, but more especially for Divines, to put themselves in a Capacity, by looking into the Law, to defend the Government, and the Kings Prerogative against* them, *who fear nothing more, than that the People should have such Ministers, as understand the Laws of the Land. They take advantage from our ignorance in the Laws, to make the People believe, that we are for Arbitrary Power, whereas could we shew the People, that our Sermons about Subjection and Obedience to Soveraign Princes perfectly agree with our Laws, instead of thinking that we had a design to enslave them, they would presently see, that our Republican Adversaries are the Men, who themselves are Guilty of that design. Wherefore seeing the Ministers are * misrepresented to the People, by the Artifice of these Men, for* Sibthorps, *and* Manwarings, *who are for Arbitrary Power; it concerns them all to study the Laws so far, as when they preach up Obedience to the King, as Gods Vicegerent, to let the People see they Preach in the very Stile of the Law. And besides the double Service they will hereby be enabled to do the Government, they will secure themselves in Company from the Insults, and petulant Attacks, which otherwise they must endure from every puny of a Common wealths-man, that pretends to Law. The great ease I have purchased my self by this means hath obliged me to make this Remark, for whereas formerly I declined the meeting of such Men, they now decline the meeting of me, and when chance brings us together, they behave them-*

* See Hunts Postscript.

ſelves in a manner very different to what they did before.

I know my Brethren generally neglect the Study of the Law, thinking that it is a Jejune Theory, *and but of little uſe to a* Divine, *but if they will ſet upon the Study of it, beginning at the* Civil, *and paſſing thence to the* Feudal *Law, they will find it very delightful, and uſeful, and that it will render them capable of Converſation with our Learned Lawyers, and acceptable Company to them, for as the Study of Theology, and an inſight into the Fathers, endears any Lay-man to a* Divine: *So undoubtedly, a curious ſearch into the Law, will endear a* Divine *to any Ingenious, and Learned Lawyer, and make him eſteem him above other men, who care for none of thoſe things. I would not be ſo underſtood, as if I would have a Clergy-man turn Lawyer, and make it his buſineſs to Study Law; No, I would only have him make it his* By-ſtudy, *and acquire ſo much knowledge in it, as a Scholar would deſire of the Theory, and a Gentleman in the Practice thereof.*

If any thing in this Diſcourſe, or any thing in this Preface before it may but awaken the curioſity of any of my Brethren, to follow my advice, and outdo the poor Example I have ſet them, I ſhall obtain one end of Printing theſe Sermons, but if not, I hope the publiſhing of them will by Gods Bleſſing ſome other way tend to his Majeſties Service, and the pulick Good.

In that part of the Diſcourſe, which I have written againſt Mr. Hunt, *to prove from the Style of our Laws, and Statutes, that the Legiſlative Power, properly taken, is ſolely, and Originally in the King, I deſire the curious Reader, to take notice, that for brevity ſake I have left out very many, as much to my purpoſe, as any I have cited, and think fit to name ſome of them here, that he may conſult them at his leiſure.*

The Expoſitions upon the Statute of Gloceſter, An. 6. Edw. I. *The Statute of* Weſtminſter, 2. *Made* Anno 13. Edw. I. *The Statute of* Wincheſter, *made at* Weſtminſter, 8. die

8. die Octob. An. 13. Edw. I. *The Statute of* circumſpectè agatis. *Made* An. 13. Edw. I. *The Statute of* Vouchers, *made* An. 20. Edw. I. *The Statute* de defenſione Juris, *made* Anno 20. Edw. I. *The Statute of Treſpaſſers in Parks.* 21. Edw. I. *The Statute upon the Writ of Conſultation*, 23. Edw. I. Stat. de finibus levatis, 27. Edw. I. *The New Statutes of* Quo Warranto, 30. Edw. I.

The Statute of Protection, 33. Edw. I.
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The Statute of Amortizing Lands, 34. Edw. I.
The Statute de aſportatis religioſorum, 35. Edw. I.
A Statute for Knights, 1 Edw. II.
The Statute de frangentibus priſonam, 1 Edw. II.
Articles for the Clergy, 9. Edw. II. *And the Declaration of what Offences ſhall be High-Treaſon*, 25. Edw. III. c. 2. *which Declaration was made by the King, at the requeſt of the Lords, and the Commons, which requeſt is expreſſed in theſe words*, rot. parl. 25. Edw. III. p. 2. n. 17. ——que pleiſe a noſtre ſeigneur le Roy per ſon Conſeil, & per les grantz, & ſages de la terre declarer les pointz de treiſon en ceſt preſent Parlement. *To all which for the further manifeſtation of the Legiſlative Power, I ſhall add one Obſervation more, which was imparted unto me by a skilful Recordiſt* of many Petitions, or Bills in Parliament, whereof the King hath granted part, and denyed part.

Likewiſe, I think fit to advertiſe the Reader, that for brevity ſake I have omitted ſome things in the 36 *page of the Diſcourſe, which would have illuſtrated the Kings Power in Adjourning, Proroguing, and Diſſolving Parliaments. For the* ROLLS *furniſh us with Inſtances of Parliaments ſummoned, and before meeting Diſſolved; and of Parliaments ſummoned to one place, and before meeting, ordered for ſome days to another, and of one ſummoned to* Leiceſter, *and before meeting, both day and place changed.*

Laſtly,

Laſtly, There having been of late years ſo much diſcourſe about the Kings Power of Pardoning, occaſioned by ill-deſigning men, upon the Kings Pardoning the E. of D. *I think fit to ſet down here at large the Roll of Parliament, which I have ſummarily cited in the Margent of the* 34*th Page.*

Ex Rot. Parl. de An. Reg Reg. Ed. 3 50. *num.* 188.

Que nul pardon ſoit graunte ns empeſchez en ceſt Parlement.

ITem prie le Commune a noſtre dit Seigneur le Roi, que nules pardon ſoit graunte a nully perſone petit ne grande quont eſte de ſon Conſeil & ſerementz, & ſont empeſchez en ceſt preſent Parlement de vie ne de membre ſyn ne de raunceon de forfaiture des terres tenements biens ou chateux les queux ſont ou ſerront trouez en aucun deſaut encontre leur ligeance & la tenure de leur dit ſerement, mais qu'ils ſoient duement puniz ſelonc leur deſert ne quils ne ſerront jammes Conſeillers ne Officers du Roi mais en tout ouſtez de la Courte le Roi, & de Conſeil as touz jours & ſur ceo ſoit en preſent Parlement fait eſtatut ſil pleſt au Roi & de touz autres en temps avenir en cas ſemblable pur profit du Roi & du Roialme.

Reſp. Le Roi ent fra ſa volente come mieltz lui ſemblera.

It appears from this Record, that the Commons of this Parliament had quite other Apprehenſions of the Kings Power of Pardoning, than ſome of their Poſterity of late have had. Then, it ſeems, he was Petitioned, *that none of his Council, and Sworn Servants Impeached in Parliament ſhould be pardoned by him, but of late thoſe, who ſhould have followed their Anceſtors Example in Petitioning, diſputed the Kings Power of Pardoning, but the* criſis is paſt, *and I hope our Repreſentatives will never be led by a Cabal of* Republicans, and Malecontents *into ſuch extravagances again.*

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Prov. XXX. 31.

——*And a King, againſt whom there is no riſing up.*

IN this Chapter are contained the ſayings of *Agur*, one of the Wiſeſt Men among the *Jews*, who after many other remarkable Sentences, comes in the latter end of it to admire the Wiſdom of God, in the Wiſdom and Sagacity, which he hath put into Four little, weak, and deſpicable Creatures; and in the State and Majeſty of Three that are ſtrong.

The Four little Creatures, which he admires, are the Ants, for preparing their Meat in Summer; the Conies, for making their Houſes in the Rocks; the Locuſts, for going forth in Military Order, by Bands; and the Spider, for the Artifice of her Web.

The Three ſtronger Creatures, which he admires for their ſtately and comely going, are the Lyon; the Gray-hound, or rather the Horſe, (as it is in the Margent) the hee Goat alſo, which in the Eaſtern Countries, is a very ſtately Creature, and is put for an Emblem of Majeſty in the † Prophetical Writings; And *a King* (ſaith he) *againſt whom there is no riſing up, i. e.* as

† Dan. 8. 5, 8.

 the

the Learned * *Bochart* hath explained it, againſt whom none of his Subjects ought to riſe up. For though (ſaith he) many do ſo, yet it is ſo contrary to their Duty, and againſt all Law and Right, that the Wiſe Man here calls the King *Alcum*, againſt whom none ought to make an Inſurrection. So (ſaith he) *Pallas* was called by the *Phœnicians Ela Alcuma*, the Goddeſs, againſt whom none is to make Inſurrection; and the City in *Bœotia*, which was Sacred to her, *Alalcomenas*, becauſe as *Strabo*, and *Pauſanias* obſerve, out of reverence to the Goddeſs, all men abſtained from offering Force, and Violence to it. It was ever held Sacred, and Inviolate, and none durſt preſume to aſſault it, out of reſpect to that Goddeſs, who was the Goddeſs of War: And ſo, out of reverence to God, who is the Lord of Hoſts, Soveraign Princes, who are his Vice-gerents upon Earth, were ever held ſo Sacred, and Inviolable, that none of their Subjects, nor others, who lived under their protection, durſt riſe up againſt them, becauſe they were only ſubject unto God. As it is written among the Wiſe Sayings of *Agur*,—*And a King againſt whom there is*, or ought to be, *no riſing up.*

* Epiſt. p. 41. *Quinta eſt lex* Prov. 30. 31. *Rex in quem nemo inſurgit*, i. e. *in quem ſubditorum nemo debet inſurgere. Alioqui enim multi inſurgunt, ſed id faciunt præter jus, & fas ut rex hic vocatur* אלקום *Alcum quia in eum nemo inſurgit. Ita Palladem alibi obſervo fuiſſe vocatam* Ela Alcuma *Deam, in quam nemo inſurgit, & Bœotiæ urbem illi Sacram Græcâ flexione* Alalcomenas, *quæ parva cùm eſſet, & in plano extructa ſemper tamen ἀπόρθητος & intacta, & inviolata manſit, quia ob deæ reverentiam πάντες ἀπείχοντο πάσης βίας, ab omni vi omnes abſtinebant.*

This being premiſed for the Explication of my Text, I ſhall raiſe two Doctrines from it, upon which I ſhall Diſcourſe in Order.

Firſt, *That it is unlawful for Subjects to riſe up againſt Soveraign Kings, and Princes.*

Secondly, *That thoſe, who do ſo, riſe up againſt God, whoſe Vice-gerents Soveraign Kings, and Princes are.*

Firſt

First, It is unlawful for Subjects to riſe up againſt Soveraign Kings, and Princes; where I muſt deſire you to obſerve, that by Soveraign Kings and Princes, I mean ſuch, in whom the *Supreme Power* and Autority is inveſted, and to whom all Perſons are ſubject within their Dominions, and they are ſubject unto none. The word King did formerly imply ſuch a Supremacy of Power, as this, before ſome of the *Grecian* Common-wealths did abuſively give the Title of *King* to ſuch Perſons, as were but their Generals, and Stat-holders, who all the while they bore thoſe Offices, were their Subjects, as much as the Generals, and other high Officers Civil and Military of Soveraign Princes, are ſubject unto them; and therefore in this whole Diſcourſe about the unlawfulneſs of reſiſting Kings, you muſt ſtill underſtand me of Soveraign Princes, who alone are properly called Kings, and not of ſuch Titular Kings, as being Subject to a Superior Power, are improperly, and equivocally ſo called.

Thus the Kings of *Corinth* were improperly called Kings, becauſe they were accountable to [the* *Ephori*] a certain ſort of Magiſtrates, which the People, who then had the Supreme Power, ſet over them; and as theſe Magiſtrates had a Power ſuperior to the Kings, becauſe they might puniſh, or depoſe them; ſo the People had a Power ſuperior to theſe Magiſtrates, for they choſe them yearly, and were the Soveraign of that Popular Goverment, as Kings are in their Kingdoms.

*who were like the Tribunes of the People among the Romans.

So in the Ariſtocracy of *Venice*, the Duke, in whoſe Name all matters of State are tranſacted, though in ſome things he looks like a Soveraign Prince, yet he is not ſo but really ſubject to the Senate, who choſe him, and can at their pleaſure depoſe him again.

But the King, of whom *Agur* ſpeaks in my Text, is no ſuch *popular* Magiſtrate as this, but a King in whom the Supreme Power is ſeated, and from whom all other Power, and Juriſdiction, whether Civil or Military doth flow, as light from the Sun, or ſtreams from a Spring, even ſuch a King, as is deſcribed by St. *Peter* in theſe words, *whether it be to the King as* Supreme, *or unto Governours, as unto them, that are ſent by him.* Such a King doth not ſhine with borrowed, and derivative luſtre, but he preſides over his People, and among the Officers of his Kingdom, as the Sun doth over the Day, and among the Planets; who all ſhine by light derived from him.

In a word, ſuch a King is the Miniſter, and Truſtee of God, but the other equivocal ſort of King, falſely ſo called, is the Miniſter, and Truſtee of the People. The one is a Soveraign, and the other is but a Subordinate Prince, the one is accountable to none, but God, but the other is accountable to his Maſter, the Senate, or the People; and for want of thus diſtinguiſhing betwixt merely nominal, and real Kings, or betwixt Soveraign, and Subordinate Princes, it comes to paſs, that what many men read in *Latin*, and *Greek* Authors concerning thoſe nominal Kings, who were real Subjects to Common-wealths, they apply to real Soveraign Princes, whom they would bring in ſubjection to their own natural Subjects, and make them as obnoxious unto them, as the nominal Kings, were to the People, from whom they received their Commiſſion and Truſt.

This diſtinction being premiſed betwixt Soveraign, and Subordinate Princes, or betwixt Kings properly, and Kings improperly ſo called; I now proceed to ſhew, that it is unlawful for Subjects to riſe up againſt *Soveraign* Kings. Firſt, from *Reaſon*. Secondly, from *Authority*.

Authority. Thirdly, *from anſwering the chief Objections,* which are made by Antimonarchical Men, againſt this Doctrine of Non-reſiſtance, or not riſing up againſt the King.

Firſt, from Reaſon, becauſe it is unlawful for Subjects to do that, *which is againſt the common Laws of Soveraignity, and Subjection,* and *which they have no right, nor power to do*; but the Subjects of all Soveraign Princes in riſing up againſt their Prince, would act againſt the Common Laws of Soveraignity, and Subjection, and do that, which they have no right nor power to do, and therefore it muſt needs be unlawful for them to riſe up againſt their Prince.

Firſt, they would act againſt the Common Laws of Soveraignity, and Subjection, which equally belong to all ſorts of perfect Governments, where there muſt be ſuch a power, that none hath a right to reſiſt. Otherwiſe there could be no peace, nor ſettlement in any Government, but perpetual revolutions where there was not ſuch a Power, which was not under the compulſion of any other, and which none ought forceably to reſiſt. This irreſiſtable Power is the nail, which faſtens the whole Fabrick in every Government, and which ſecures the Lives, and Rights, and Properties of Men, as well in *Ariſtocracies*, and *Democracies*, as in Kingdoms. For in *Ariſtocracies*, it is for this reaſon unlawful for the People to reſiſt the Soveraign Senat, or for any part of the people in *Democracies* to reſiſt the main Body, or for the Magiſtrates created, or commiſſioned by either of them, to riſe up againſt them, becauſe they can have no lawful Power, or Authority above that, which is Supreme.

Juſt ſo in a Monarchy there can be no Power, or Authority above that of the Prince, which is the Supreme, and therefore, if any number, or order of men

in

in any Kingdom riſe up againſt the King or Monarch, by ſo doing they Tranſgreſs the Common Laws of Soveraignity and Subjection, [as much, as *Themiſtocles* had done, had he reſiſted the People of *Athens*] and make themſelves Superior to him, whom the Law declares to be Supreme.

There cannot be a greater contradiction than this, to be Soveraign, and yet to be under the Coertion of a Superior Power; no Government upon the Earth was ever yet founded upon ſuch oppoſite Principles, but ſomewhere the Soveraignty muſt be fixed, and that in Kingdoms being fixed in the King, it muſt needs be unlawful for his Subjects to riſe up againſt him, unleſs we can imagine this contradiction, that they have a Power, and Authority above that, which is already ſuppoſed to be Supreme.

But Secondly, as Subjects in riſing up againſt their King, would act againſt the Common Laws of Soveraignity and Subjection, ſo they would do that, which they have no Power, nor Authority to do; for the very notion of Soveraignity and Subjection implys that they have no Power nor Authority, but what they have from their Prince; and therefore they can of themſelves have no coercive Power, or Authority over him, who is for that very reaſon their Soveraign, becauſe he hath coercive Power, and Juriſdiction over them. Wherefore unleſs we can imagine this contradiction, that we may be Subjects and Soveraigns at the ſame time, and both ſuperior and inferior to the ſame Prince, or that the ſame Soveraign Prince may be ſubject to thoſe, over whom he is Supreme, it muſt needs be acknowledged, that Subjects have no Authority to reſiſt their Soveraign, and that by conſequence to do ſo, would be an unlawful, or Unauthorative act.

But this will more particularly appear from conſidering, that the Subjects of Soveraign Princes have no right to uſe the only means of making reſiſtance,

I mean to bear the Sword, for the Soveraign or Suprem Governour, is the fountain of Military, as well as Civil Power, and as no man can take up the Gown, or exerciſe any civil act of Authority without Commiſſion derived from him: So no man can take up the Sword, or exerciſe the loweſt act of Military Authority but by Commiſſion from him, in whoſe Hand God hath placed the Sword, as well as the Scepter, and it cannot but appear to any conſidering man, that Soveraignty would be an empty, and inſignificant Nothing without the Power of the Sword. It is as impoſſible to have any notion of a Soveraign, or Supreme Power, without the power of the Sword, as to conceive a Circle without roundneſs, or Fire without heat; and truly were the Civil Power in the Prince, and the Military in the People, were the Scepter only in his Hand, and the Sword in theirs to uſe it when they thought fit, Kingdoms would be the moſt monſtrous, and unhappy of all Governments, as having two Soveraigns, one Civil, and the other Military, and Kings would be, like as the four Kings of Cards, mere painted Paper to play with, whom the People might pack, and ſhuffle, and deal with, as they pleaſe. For the Civil Power without the power of the Sword, would be without the power of Correction, and by conſequence, a mere Precarious thing, which might entreat, but not command. Subjects, if they pleaſed might obey ſuch an unarmed Soveraign, and if they pleaſed, they might let it alone; and therefore the power of the Sword being involved in the very conception of Supreme Power, and belonging to the very notion of a Soveraign, it muſt needs follow, that a People who is ſubject to a Soveraign Prince, can have no right unto the Sword, but what he is pleaſed to give them, and if they have no right unto the Sword, nor any Authority of themſelves to bear it,

then

then they can have no right to bear it againſt him, who can never be ſuppoſed to give them leave to take it up againſt himſelf.

Indeed we read, that the Emperor *Trajan* gave a Sword to the Captain of his Guards, ſaying, *take this Sword, and if I Rule well, uſe it for me, but if I Rule ill, uſe it againſt me:* But this was but an Hyperbolical expreſſion by which he aſſured the People, that he intended to Rule well, as if the King ſhould ſay to any one of his Subjects, *if I do not do this for you, then kill me?* Theſe words would only ſignifie the ſincerity, and earneſtneſs of the Kings preſent intention to perform his promiſe, but not that he intended to give, or if he did, that he conld give the perſon to whom he promiſed, power to kill him, if perchance he performed it not.

To ſumm up all, Subjects, and by Conſequence the Subjects of Soveraign Princes, have no Right or Authority to bear the Sword, which is the only means of reſiſting their Soveraigns; and if they have no Right or Authority to uſe the means of Reſiſtance againſt their Soveraigns, then to reſiſt them, muſt be an Unauthoritative, and unjuſt act.

Thus far I have argued againſt the Lawfulneſs of Subjects riſing up againſt Soveraign Princes, from Reaſons taken from the common Notion of Soveraignty, and Subjection; and now I proceed to prove the ſame from Authority; and firſt from the Authority of the Scriptures, which confirm the Reaſons, that I have brought to prove the unlawfulneſs of Reſiſtance, or of popular Inſurrections againſt the Prince.

Thus in *Eccleſ.* 8. 2. *I counſel thee to keep the Kings Commandment, and that in regard of the oath of God; be not haſty to go out of his ſight, ſtand not in an evil thing, for he doth whatſoever pleaſeth him; where the word of a King is, there is power, and who may ſay unto him, what doſt*

doeſt thou? Here *Solomon* deſcribes a Soveraign Prince, telling us, that he may do what he pleaſeth; and that when he acts acording to the utmoſt extent of his Power, none may oppoſe him, none may ſay unto him, *what doeſt thou?* And in this Character of the irreſiſtable Power of a King, *Solomon* doubtleſs did include himſelf, altho' he was a limited Soveraign, and had his Regal Power limited in the exerciſe of it, by many wholſome Political Laws. For the Kings of *Iſrael*, as you may read *Deut.* 17. beginning at the 26 *ver.* were bound not to multiply Horſes, nor Wives, nor Silver, nor Gold, and to read every day in the Book of the Law, and keep all the words of it. But he broke all the ſpecial Laws, which concerned him, as a King, and all the general Laws, which concerned him as an *Iſraelite*; and yet for all that none roſe, nor none were to riſe up againſt him; becauſe he was inveſted by God with the Soveraign Power, which none that were ſubject unto it, could have a right to reſiſt; and by virtue of that inveſtiture in the Soveraignty had the ſole power of the Sword in his Dominions, which none of his Subjects without ſinful Uſurpation could take up againſt him, becauſe he was a Soveraign, tho' a limited Prince.

I have made this Obſervation on purpoſe to let you ſee, that this Doctrine of Non-reſiſtance concerns limited Soveraign Princes, as well, as thoſe that are unlimited in the exerciſe of their Power; or to ſpeak yet more plainly, that Soveraign Princes who are limited by poſitive Civil Laws, are ſecured by their Supremacy againſt the Inſurrection of their Subjects; as well as thoſe, that are only limited by the Laws of Nature. And if it be not lawful for the Subjects of Soveraign Princes, who are limited in the adminiſtration of their Power by the Laws of Nature to riſe up againſt them, when they tranſgreſs thoſe limits; it cannot be lawful for the Subjects of ſuch Soveraigns, who are limited in the

exerciſe of their Power by Civil Laws, and Sanctions of their own making, to riſe up againſt them, when they caſt of thoſe limits, and will not longer be regulated thereby.

For the Civil Laws of *Judæa*, or *England* for Example, cannot be more ſacred than the Laws of Nature, or the Common Laws of Humanity, and Juſtice; nor doth it make a King more a Tyrant to Tranſgreſs thoſe, than theſe. An unlimited Soveraign, as *Nero* and *Domitian* is as great a Tyrant, for making Unjuſt and Tyrannical Laws to take away his Subjects Lives; as any King of Great *Brittain* would be to take away his Subjects Lives againſt Law; it is injuſtice, and cruelty in the one to Tranſgreſs the Laws of his Kingdom, and in the other to Tranſgreſs the Common Laws of Mankind; the one perhaps deſtroys his Subjects, or ſets up Idolatry, Cruelly and Tyrannically againſt Law; and the other doth Both by Cruel, Inhuman, and Tyrannical Laws. This is all the difference between the Tyranny of unlimited, and limited Soveraigns; and therefore if it be unlawful for the Subjects of the one to riſe up againſt them, when they make inhuman, and unjuſt Laws to deſtroy them; it muſt needs be unlawful for the Subjects of the other to riſe up againſt them, when they deſtroy them againſt Law.

They are both equally Soveraigns, and both equally ſecured againſt the Inſurrection of their Subjects by the Laws of Soveraignity, according to theſe words of *Solomon, who ſhall ſay unto the King, what doeſt thou?* Whether he makes Laws to *perſecute*, if he be unlimited, or *perſecute* againſt Law, if he be limited, 'tis all one; the Tyranny is equal in him, that maketh unjuſt Laws, which he hath no right to make; and in him, that breaketh juſt Laws, which he hath no right to break; and who ſhall ſay to either of them, *what doeſt thou?*

So

So when God bid *Samuel* tell the *Iſraelites* how much more greived, and uneaſy they would be under the Government of Kings, which they deſired, than under his; becauſe the King by virtue of his Soveraignity, would have power to deal with them, like the Kings of other Nations; *In that day* (ſaith he) *you ſhall cry out unto the Lord, becauſe of your King, and the Lord will not hear you.* They were weary of Gods eaſy, and gentle Government, and would be in the Faſhion, and have a Soveraign Prince, like other Nations; and therefore when any of their Princes became greivous unto them, they had no remedy, unleſs it were to beſeech God to reſume the Government again, but that he foretold them, he would never do: *You ſhall cry out in that day, but the Lord will not hear you.* You muſt bear the inconvenience of having an Earthly Soveraign, let him prove, as he will, you muſt endure him, for it is your own Choice, you would put your ſelves in the condition of other Nations, you would have the Supreme Power over you Tranſlated from God, unto a Man.

According to this Interpretation of the place, we never find, that the Preiſts, or Prophets, or Sanhedrim ever called upon the People to reſiſt the worſt of their Kings: No, it was then the general Principle of mankind, that Soveraigns (and then there were few, or no other Soveraigns, but Princes) were not to be reſiſted, but that Reſiſtance was a great, and dangerous ſin. *My Son* (ſaith Wiſdom) *fear thou the Lord, and the King, and meddle not with thoſe, who are given to change, for their Calamity ſhall riſe ſuddenly, and who knoweth the Ruine of them both?* Nay, ſo far is it from being lawful to Reſiſt Soveraign Princes, that it is not lawful to Curſe them, as it is written, *Thou ſhalt not revile the Gods, nor curſe the Ruler of thy People; and Curſe not the King, no not*

in thy thought, for a bird of the Aire ſhall carry the voice, and that which hath Wings ſhall tell the matter.

And according to this Doctrine of Non-reſiſtance of Soveraign Princes, after God had commanded the People of *Iſrael* to ſubject themſelves unto the King of *Babylon*, he forbid them any further oppoſition in the following words: *Seek the Peace of the City, whither I have cauſed you to be carried away Captive, and pray unto the Lord for it, for in the Peace thereof you ſhall have Peace.*

Hitherto have I ſhewn, how the authority of the Old Teſtament agrees with the Reaſons which I brought from the very Notion of Soveraignity, to prove, that it was unlawful to Reſiſt Soveraign Princes; and the New doth perfectly agree with the Old. For our Bleſſed Lord lived all his life long in perfect ſubjection to the wicked Emperor *Tiberius*, and to his wicked Governors of *Judæa*. He payed him Tribute himſelf, and commanded the *Jews, To render unto* Cæſar, *the things that were* Cæſars, and one of the things, which was notoriouſly known of right to belong unto *Cæſar*, was to be ſubject to no Power upon Earth. St. *Paul* doth plainly aſſert in *Rom.* 13. that *Claudius* who was an evil Prince, or perhaps *Nero*, who was a monſtrous Tyrant, was the Miniſter of God, and bore not the Sword in vain; and therefore becauſe he was Gods Miniſter, or Supreme upon Earth, and, as ſuch, had the Power of the Sword, he commands them to be ſubject *not only for wrath, but for Conſcience ſake.* Accordingly he commanded *Titus* to put the People in mind to be ſubject to *Principalities, and Powers, and to obey Magiſtrates*; and deſired of *Timothy* that in his Province, *Supplications, and Prayers, and Interceſſions ſhould be made for all men, eſpecially for Kings, and all that were eminent in Authority*; and accordingly the Primitive Chriſtians prayed for the long

long Life, and Prosperity of the greatest Tyrants, and Persecutors, as well as of the best Kings.

Look (*saith* * *Tertull.*) into our Bibles, and see if we be not commanded to pray for our Enemies, and Persecutors, and who are more such than the Emperors, by whose Authority we are wrongfully put to Death? Nay, see, if we be not commanded by name, to make Prayers, and Supplications for Kings, and Princes, that we may lead a Godly and quiet life; and if you would further know the matter of their Prayers, he tells us, that this was part of their Litany for the Emperours, Good and Bad, that God would give them long Lives, peaceable Reigns, secure Palaces, valiant Armies, a faithful Senate, a good People, quiet Dominions, and all other Blessings, that they could desire.

* *Inspicite dei voces, literas nostras, quas neque ipsi supprimimus. Apol.* C. 30.

And as St. *Paul*, so St. *Peter* taught the same Doctrine of Subjection unto Princes in these words: *Submit your selves unto every Ordinance of Man for the Lords sake, whether it be to the King, as Supreme, or unto Governours, as unto them, that are sent by him, for the punishment of evil doers, and for the praise of them that do well.*

Accordingly, the Primitive Christians submitted to the Emperours, and to the Governors under them; to the Governours for the sake of the Emperor, and to the Emperours for the sake of God, when they violated all the Laws of God, and all the rights of humane Nature; when they made the most Tyrannical, and Unjust Laws for their destruction, which they had no right to make, letting themselves be led like Sheep to the Slaughter, when they were the greater part of the Empire, and able to raise greater Armies, than the Emperour could.

This I have formerly shewed you in other discourses, and shall not insist upon it now, but proceed in the third place, to prove this Doctrine from the confutation

of

of thoſe very Objections, which our Antimonarchical Spirits make againſt it; where I muſt in the firſt place obſerve, that all the general Objections, I am going to recite, were known unto the Primitive Chriſtians, which is a preſumption, that they are of no force, ſince they did not only profeſs, but practiſe this Doctrine of *Non reſiſtance*, under the moſt inhuman Tyrants, which they would not have done, had thoſe Objections been true.

I ſhall begin with their general Objections, which are Three. Firſt, *that the Supreme Power is naturally, and unalienably ſeated in the People.* Secondly, *that this Doctrine makes all Subjects Slaves, and expoſes their Lives to the Tyranny of Princes.* Thirdly, *that it is inconſiſtent with the Law of Self preſervation, which obliges every Man to defend himſelf.*

Firſt, they ſay, that the Supreme Power is naturally, and unalienably ſeated in the People, and transferred from them upon the Prince by way of Truſt, and that they may, and ought to reſume it, when he abuſes it into Tyranny; which was the meaning of that late hardened Rebel in the following words of his Speech: *That God had left Nations*, for ſo he calls the People, *unto the liberty of ſetting up ſuch Governments, as beſt pleaſed themſelves.*

The World, would be very unhappy, indeed more unhappy, than if all the Kings of the Earth were Tyrants, if this Doctrine were true; but, God be thanked, it is ſo far from being ſo, that there is not ſo much as the appearance of Truth in it, to any wiſe unprejudiced Man.

For firſt, the People of any Nation, are ſo far from being the natural Subject of Power, that like the People of a Family, or the People of an Army, whom we call Souldiers; they are rather the natural Subject of Obedience,

Obedience, and Subjection, as appears from that common queſtion, or enquiry which every man naturally makes, when he hears of a ſtrange Country, How that Nation, or How the People of that Country is Governed? Accordingly, if a man marks the directions of his own thoughts, he will find they tend naturally to conceive the People not as Governours; but as the party to be Governed, juſt as in an Army, a man naturally conceives the common Souldiery to be the ſubject of Obedience, and not of Command, and tho' it hath happened ſometimes, that common Souldiers, like the common People, have choſe their own Commanders; yet for all that, it would be harſh to conclude from one, or two ſuch inſtances, that the Supreme Command is naturally in them. Wherefore ſince it doth appear, that we are apt to conceive the People the ſubject of Obedience, rather than of Power, the Supreme Power cannot be naturally ſeated in them; for then mens thoughts would have as naturally a tendency to conceive the People for the natural ſubject of Power, as Fire of Heat, which we do not find to be true. On the contrary, Nature directs us to conceive them, as the ſubject of Obedience, and had it not been for the *Greek*, and *Latin* Authors, who, being ignorant of the traduction of Mankind from one ſingle Man, could not deviſe, how ſingle perſons came by the Supreme Power, unleſs it were by Grant from the People; I am confident, there had been no ſuch Notion in the World. It was the beſt account that Pagan Writers, who believed that the world was at firſt * ſtocked with many people were able to give of the Riſe of Monarchies, and the Original of Power, but for Chriſtians to prefer this account before that of the Scriptures, which is far more natural, and eaſy, is as abſurd, as to prefer the *Pagan* accounts of the Worlds Original, before that of *Moſes*; who tells us, how it was Created by God.

* *Vid fragment. Juliani.* p. 535.

But

But Secondly, if the Supreme Power be Originally, and unalienably in the People, and transferred from them upon Soveraign Princes, and Senates, only as long as they ſhall uſe it well; then there is but one ſort of Government in the World, *viz. Democracy*; and Learned men in all Ages have had mighty prepoſterous and confuſed Notions in dividing Governments into three ſorts, *viz. Democracy*, where the Soveraignity is in the People; *Ariſtocracy*, where it is in a few of the Chief; and *Monarchy*, where it is in a ſingle perſon over all. This diviſion is Non-ſenſe, if the Supreme Power naturally belong unto the People, and be at at their diſpoſal, if they may revoke it at pleaſure from Soveraign States, and Princes, as men do their Proxies, and ſet up what Government beſt pleaſeth themſelves; upon this wild ſuppoſition, the Government of all Nations is naturally one and the ſame, *viz. Popular*, but if the Government of the World, be indeed ſo Uniform in its own Nature, Authors have mightily blundered, and trifled in dividing of it into Three ſorts; as if there were, and could be but one ſort of regular Figures, it would be a mighty blunder among the Mathematicians, to divide them into Triangles, Circles, and Squares.

But Thirdly, if the Supreme Power be naturally, and unalienably ſeated in the People; then methinks thoſe, who conceive it to be ſo naturally in them, ſhould be able to tell us, what the People is.

But this they cannot do, nor agree upon: For firſt, they dare not ſay, that the Women are part of the People, for then they would do them a mighty wrong, in depriving them of their Moietie of the Supreme Power, which naturally, and unalienably belongs unto them, if they muſt be reckoned among the People; and if they muſt not, then I profeſs, I cannot tell where to place them, or what part of the World they are. Secondly,

upon

upon ſuppoſition, that the Men only are the *People*, then they are as much puzled to tell us, at what Age every man acquires a right to his particular ſhare of the Soveraign Power? or if they ſhould fix any Age, when Men might enter their publick Aſſemblies, then I would ask them, if all Men at that Age had an equal right to enter their publick Aſſemblies, and an equal Voice and Suffrage in them? if they ſay no, then they muſt aſſert one of theſe two abſurdities, either that the excepted part, are no part of the *People*, or if they be, then they muſt acknowledge that they do them manifeſt injury, in excluding them from their ſhare of the Soveraign Power, which naturally, and unalienably belongs unto them.

But if they affirm, that all Men at ſuch an Age, have an equal right to enter the publick Aſſemblies, and have equal Voice, and Suffrage in them, then they muſt make their Children, and Servants, nay, the Beggars in the Streets equal with themſelves, in all publick Suffrages, and Elections, which I know, the very eſt *Common-wealths-man* of them all, when he thinks of his *Villan*, if he have any, or of his *Groom* and *Cobler*, will not admit.

Wherefore this Opinion is true, either with, or without limitation; if without limitation, then all, men of what Rank or Condition ſoever, are Fellows in the Supreme Power, but if with limitation, then I deſire to know, who naturally have Power to admit ſome, and exclude others out of the number of the People; and whether the excepted part, which, under any limitation, will far exceed thoſe that except them, have not as much right to Election, and Suffrage as the excepters themſelves?

Laſtly, allowing that perſons only ſo qualified, imagine Fathers of Families, or perhaps only the Landed, and Richer ſort, are to be admitted in the number of

People, to whom the Soveraign Power belongs; then I would know, whether in their Meetings, and Debates, things muſt be carried by the Major, or by the Sounder and more Sober part? If always by the Major part, then when the Major part happen to be Evil Men, or deluded by Evil Men, as it ſometimes comes to paſs, they may devour, or deſtroy the Minor, or ſet up Idolatry, or eſtabliſh any other Wickedneſs into a Capital Law, to which the more Sound, and Sober Party muſt ſubmit, and then we have the Doctrine of Non-reſiſtance eſtabliſhed: But if they ſay, as the beſt of their Writers do, that things muſt be concluded by the more ſound, and ſober part of the People, then there comes as untoward a queſtion, as any of the former; *Who muſt be Judge between the major and minor part, which is the Sobereſt of the two?*

So many difficulties, inconveniencies, and abſurdities doth this Doctrine of the *Peoples* having the Supreme Power carry in it ſelf, and yet ſo bewitched are ſome Men with it, as to ſwallow it down, without examination, as if it were *ſelf-evident*, or had been atteſted with Divine Miracles, tho' it really be as contrary to the Chriſtian Religion and to right Reaſon, eſpecially arguing from the Moſaical account of Mankinds original, as Darkneſs is to Light. And ſo much in Anſwer to the firſt Objection.

The ſecond Objection, which they bring againſt this Doctrine of not reſiſting Kings, is this, *That it makes all Subjects Slaves, and expoſes Men to the Luſt, and Tyranny of Princes:* To which I anſwer. Firſt, that the Doctrine of reſiſting Kings, enſlaves the World ten times more, and ten times more expoſes Men to the Luſt, and Tyranny of the People, who would never be quiet, if they might upon any pretence reſiſt the Prince, becauſe there would never want Cunning, and Seditious, Patriots to make them believe, that *this was the very caſe.* If a Tyrant kills his thouſands, the People, in reſiſting

ſuch

ſuch a Tyrant, nay, in reſiſting Kings who are not Tyrants, ſhall ſlay its hundred thouſands; if he, like the Thunder, here and there overthrow an Houſe, or killa Man, or two, it will make indeed a terrible noiſe, but the People in riſing up againſt ſuch a Tyrant, will like an Inundation, deſtroy a whole Country in a few hours, with little or no noiſe at all. Wherefore in anſwer to this Objection, we muſt firſt ſet the inconveniencies of Reſiſting on the one hand, againſt the leſſer inconveniencies of Non-reſiſtance on the other, and then we ſhall find, that the Remedy, were it allowed, would be more dangerous than the Diſtemper, and the Cure worſe, than the Diſeaſe. The late horrid Rebellion begun, and carried on under the ſpecious pretence of reſiſting the Luſt and Tyranny of Princes, is a ſufficient proof of what I ſay. It coſt an 100000 Lives, and above 20 Millions of Money, and wrought the Ruine of ſeveral hundred Families, and at laſt ended in the direful Tragedy, for which we are ſhortly to deprecate the vengeance of God with Faſting and Prayer.

So dangerous would it be, to have it in the power of the People to reſiſt their Soveraign Princes, and to judge when it was fit to do ſo, as experience hath made it evident by the late Conſpiracy, contrived againſt a moſt Gracious King, in which, had it taken effect, more Worthy Men would have been ſlain in one Week in this City, than by the Tyranny of all the Princes, that have ruled the *Engliſh* Scepter this ſix hundred years.

But Secondly, the Doctrine of not reſiſting Soveraign Princes doth not more enſlave Subjects, or expoſe them to more Luſt, and Tyranny, than the Doctrine of not reſiſting our *Soveraign Lord the People*, which all Common-wealths-men contend for. For of all Soveraigns, the People is the moſt Arbitrary, Luſtful, Implacable, and Tyrannical, becauſe in Popular Aſſemblies there is leſs ſhame, and modeſty to reſtrain men,

where all act in common, and the guilt of what is done amiſs, doth not ly upon particular Men. I appeal for the, truth of what I ſay to thoſe very Common-wealths-men, who admire the *Greek*, and *Latin* Authors, becauſe they are Common-wealth-Writers, as much as the *Græcian* and *Roman* Common-wealths. Let them remember *Themiſtocles*, and *Camillus*, with hundreds of Gallant Men more, and then tell me, whether the Doctrine of not reſiſting Princes is a jot the worſe, than that, which they contend for, of not reſiſting Common-wealths.

And therefore in the Third place, I do admit, that the Doctrine of not reſiſting Princes, binds the Hands of their Subjects; and in this reſpect, makes them like *ſlaves*, who were not to reſiſt their Maſters under the pain of Death. But then it equally ties up the hands of all other Subjects, even in thoſe Governments, where the *People is the Soveraign Lord*. It is the common caſe of all Subjects whatſoever, who to uſe the words of St. *Peter* unto believing Slaves, *muſt be ſubject to their Soveraign Maſters with all fear, not only to the Good and Gentle, but alſo to the Froward, for this is thank-worthy, if a Man for Conſcience towards God endure grief, ſuffering wrongfully, for what glory is it, if when you are juſtly buffeted for your faults, you take it patiently, but if when you do well, you do ſuffer for it, ye take it patiently, this is acceptable with God. For even hereunto were ye called, becauſe Chriſt alſo ſuffered for us, leaving us an Example, that we ſhould follow his ſteps.* Chriſt, as a pattern to all Chriſtian Subjects, taught and practiſed this Doctrine, which bound up his Hands, as much, as the Law of Slaves not reſiſting their Maſters, bound up theirs. For when *Herod*, and *Pontius Pilat* with the Elders of *Iſrael* roſe up againſt Gods Holy Child Jeſus; and with wicked Hands crucified him, he ſubmitted, and reſiſted not. And therefore we are no more Slaves, by the Doctrine of Non-reſiſtance, than Chriſt and his

his Apoſtles, and the Primitive Chriſtians were; who abode in the *calling* of Subjects, *in which they were called*, and as Dutiful Subjects let themſelves be led like Lambs to the Slaughter, when they were moſt illegally condemned, and unleſs it were in Prayers, opened not their Mouths.

The laſt Objection, which is uſually made againſt not reſiſting of Soveraign Princes, is this, *That it is inconſiſtent with the prime Law of Nature, the Law of ſelf-preſervation, which obligeth every Man to defend his own Life.* To which I anſwer, in the Firſt place, that properly ſpeaking, there is no ſuch *Law of Nature*, as the Law of ſelf-preſervation, for if there were, then it would be a ſin for a Man, at leaſt for a Man, who knew himſelf to be innocent, to ſubmit to the Execution of a Capital Sentence; becauſe by the *prime Law of Nature*, he ought to defend himſelf to the laſt. Therefore this, which they call the Law of Nature, or Natural Law of ſelf-preſervation, ſhould be called the *Right of Nature*, or *the Natural Right of Self-preſervation*, for indeed every Man hath a Natural Right to defend himſelf. But then Men may, and ſometimes ought, to recede from this Natural Right. Firſt, they may, as when a Man formerly ſold himſelf to be a Slave, then he receded from the Right of defending his own Life, becauſe he was bound by the Laws concerning Slavery, to let his Maſter kill him, rather than reſiſt. Secondly, they ought, as when a Man was born a Slave, or ſold into Slavery, when he was young, or made a Slave of a Captive in War. In all theſe Caſes a man was bound to quit the Natural Right he had to defend himſelf, and to continue in this defenſeleſs ſtate of ſervitude, according to the Apoſtle, who ſaith, *Let every Man abide in the ſame calling, wherein he is called. Art thou called to be a Servant*, or Slave, who haſt no right to defend thy own life, *care not for it, but if thou canſt, rather be made free.* So

So, to clear the thing with more Inſtances, a Captain may lawfully *ſwear* to his Prince, or he may be *bound by Law* to ſink his Ship rather than let it be taken by the Enemies; and when he hath ſworn, or when the Law commands it, he is bound without any regard to the *Natural Right* of Self-preſervation to ſink her, and himſelf with her, rather than let her fall into the Enemies Hands. Wherefore it is plain, that the *Law of Self-preſervation* commonly ſo called, is *only a Natural Right*, from which a Man often may, and ſometimes is obliged to recede; ſo that there is no inconſiſtency betwixt the Doctrine of Non-reſiſtance, and the Right of Self-preſervation; becauſe every Subject is bound to quit that Right, which he may part with in many other Caſes, rather than defend his Life, by reſiſting the *Supream Power*. Certainly, if a private *Oath*, or *Bargain*, or *particular Law*, may deveſt a Man of this Right, and make it ſinful in him, in ſuch Circumſtances, to defend his Life, the prime *fundamental Laws of Soveraignty, and Subjection*, which are common to all Governments, may have the ſame effect upon him, and utterly deveſt him of the Natural Right of Self-preſervation, and Defence.

From all which inſtances it is plain, that Self-defence is no indefeaſable Right, and that then only it becomes of indiſpenſable Obſervation, when it is not hindered from taking effect by Oath, Bargain, or Law, or any other ſtate, or relation of Life, which founds a neceſſary duty to God, or Man: Otherwiſe we ought to be paſſive, as Chriſt, and his Apoſtles, and the antient Martyrs were, who ſurely underſtood the Laws and Rights of human Nature, and the extent of their obligation, as well as any of our Common-wealths-men can do, and yet rather than defend themſelves againſt *Cæſar*, his Soldiers, or his unjuſt Judges, they ſuffered the moſt painful Deaths, that Rage, or Cruelty could invent.

Having

Having now anſwered their general Objections againſt the irreſiſtible power of Soveraign Princes. I now proceed to one more particular, which concerns the Kings of this Realm. For when they are beat out of all their ſhifts, and forced to confeſs, that the *Supream Power* ought not to be reſiſted, then they deny, that the King of *England* is Supream. They will, when they are compelled to it by dint of Argument, acknowledge that Soveraign Princes are irreſiſtable, but then they deny their own Prince to be Soveraign, and ſo pretend, that the Subjects of *England* have no obligation to be *paſſive*; and that the Doctrine of Non-reſiſtance, which only concerns the Subjects of Soveraign Princes, hath no obligation upon them.

Wherefore, I proceed to ſhew, that the Kings and Queens of this Realm are compleat Soveraigns, which have the Supream Power inveſted in them, and I ſhall prove it in this familiar Method. Firſt, Becauſe the Laws of this Realm declare it to be a perfect Soveraignty and Empire, and the King a compleat and imperial Soveraign: and, Secondly, Becauſe they declare, that the Right of the Sword is ſolely in him, and that he can be ſubject to no Coercive Power, nor ought to be reſiſted by Force.

Firſt, They declare the *Engliſh* Realm to be a perfect Soveraignty and Empire. Thus, the whole Parliament, 24 *H.* 8. *c.* 12. acknowledged, That *by ſundry Authentical Hiſtories, and Chronicles, it was manifeſtly declared, and expreſſed, That this Realm of* England *is an Empire, and ſo hath been accepted in the World,* [and mark what follows] *Governed by one Supream Head and King, having Dignity and Royal State of the Imperial Crown of the ſame.* So the Crown of *England* in * Acts of Parliament, is commonly declared to be an *Imperial Crown*; and before the Conqueſt † King *Edgar* ſtyled himſelf

* 25 H. 8. c. 21. 27. H. 8. c. 24. 1 Eliz. c. 2. 1 Jacob. c. 1.

† *Cokes Inſtit. Part* 4. p. 359.

himſelf in his Charter, *Baſileus, Imperator, & Dominus*, King, Emperor, and Lord; and *Coke* in *Cawdreys* Caſe plainly ſaith, That *by the ancient Laws of this Realm*, England *is an abſolute Empire, and Monarchy, and that the King is furniſhed with plenary and entire Power, Prerogative, and Juriſdiction, and is Supream Governour over all Perſons within this Realm.*

Here I muſt obſerve, that a Realm, or the Regal State of a Kingdom is then Imperial, when the King is Supream in his Dominions, next under God, and hath his Supream Authority, and Juriſdiction from God, and all other Powers, and Magiſtrates within his Dominions, have their reſpective Juriſdictions, and Authority by emanation from him. Hence the * Statute of *Premunire* declares, *That the Crown of* England *hath been ſo free at all times, that it hath been in no Earthly Subjection, but immediately ſubject to God in all things touching the Regality of the ſame*; and in 25 *H.* 8. *c.* 21. the Parliament thus directs their Declaration to the King, *That this Your Graces Realm recognizes no Superior under God, but only Your Grace*, &c. So 2 *Edw.* 6. *c.* 2. the Parliament declares, *That all Authority and Juriſdiction, Spiritual and Temporal, is derived and deducted from the Kings Majeſty, as Supream Head of theſe Churches and Realms.* And in the Statute of 24 *H.* 8. *c.* 12, after the words before cited, it follows. *Unto whom, a Body Politick, compact of all ſorts, and degrees of People, bounden, and owen to bear, next unto God, a natural and humble Obedience, he being inſtituted and furniſhed with plenary, whole, and entire Power, Preheminence, and Authority, Prerogative, and Juriſdiction, to render and yield Juſtice, and final Determination to all manner of Folk*, &c. and accordingly in the Oath of Supremacy, the *Engliſh* Subjects are to Swear in theſe words. *I do utterly teſtify, and declare in my Conſcience, that the Kings Highneſs is the only Supream Governour of this Realm.*

* 16 R. 2. c. 5.

Supream

Supream, and only Supream, and ſo Arch-biſhop *Cranmer*, in a Letter to Queen *Mary*, declares unto her, *That the Imperial Crown, and Juriſdiction Temporal of this Realm, is taken immediately from God, and is ſubject unto none but God alone.* And long before him, our old Lawyers * *Bracton*, and † *Glanvill* declared, That *the King is under none, but God; that he hath no Peer, nor Superior in his Kingdom; that every Soul is under him, and he under none but God.*

* In the Martyrs Letters.

* Lib. 1. c. 8.
† Lib. 7. c. 16.

If I ſhould add no more, I have already ſaid enough to prove, that the Kings and Queens of this Realm are Soveraign Princes. For if the Realm it ſelf be a Soveraignty or Empire; if the Crown be an Imperial Crown, and the King an Emperour, who is furniſhed with plenary, whole, and entire Power, and from whom all Juriſdiction is derived, as from the Supream head; to conclude, if he be next under God, and ſubject to none but God, and the Supream, and only Supream Governour of this Realm, who hath neither Equal nor Superior within his Dominions, then he muſt be a Soveraign Prince, if a definition of a Soveraign can be made, or words can have any clear, and certain Senſe. I ſay, if any words are capable to define a Soveraign, then the Kings, and Queens of *England* are ſuch, and therefore Queen *Elizabeth*, whom the Common-wealthsmen pretend to admire ſo much, in a Declaration Printed 1585, ſpeaks like an Empreſs, thus. "Although Kings, and "Soveraign Princes, owing their Homage and Service "only to Almighty God, the King of all Kings, and are "in that reſpect not bound to yield account, or render "a reaſon of their Actions to any other, but God their "Soveraign; and though among the moſt Ancient and "Chriſtian Monarchs, the ſame Lord hath committed "unto us the Soveraignty of this Kingdom of *England*, "and other Dominions, which we hold immediately of

"the ſame Almighty God, and thereby accompt only to "his Divine Majeſty, yet we are notwithſtanding mo- "ved to declare, &c. And agreeably to the Majeſtick ſtyle of this Declaration, *Coke* upon *Littleton* ſaith, That the Inheritance of our Lord the King, is a direct Dominion, of which none is the Author but God alone, and from hence the Kings of *England*, have always been ſtyled *Dei Gratiâ*; and the Royal Shield bears this Motto, *Dieu & Mon droit*.

And as it is plain from the Laws, and Authorities above cited, that the Kings, and Queens of *England* are Soveraign Princes: So, as to the preſent Controverſie with our Antimonarchical Spirits, it is as plain, that our Laws declare, the Imperial Soveraign of this Realm to have the power of the Sword, and to be ſubject himſelf to no Coercive Force. Firſt they declare, that the power of the Sword is in the King. Thus hath it been * twice declared by the whole Parliament, under our Gracious Soveraign, That *within his Majeſties Realms and Dominions, the Supream Government, Command, and Diſpoſition of the Militia, and all the Forces by Sea and Land, and all Forts, and places of Strength, is, and by the Laws of* England *ever was, the undoubted Right of his Majeſty, and his Royal Predeceſſors, Kings and Queens of* England. And accordingly in *Edward* the Firſt's time; the Prelates, Earls, Barons, and * Commonalty of the Realm declared, That to the King it belongeth, and his part it is, through his Royal Seignory, ſtrictly to defend Force of Armes, and all other Force againſt his peace at all times, when it ſhall pleaſe him, and to puniſh them, which ſhall do contrary, according to the uſage of this Realm. And this power of the Sword, or raiſing of Forces is ſo inſeparable a Right to this Imperial Crown, that the *Earl of Shrewsbury* in a ſudden Rebellion, which happened in the time of *Hen.* 8, without

* 13 Car. 2. c. 6. 14 Car. 2. c. 3.

* *The Commonalty of the Realm perhaps yet ſignified the body of the Tenants in Capite.* See Dr. B. againſt Pet. p. 116

out Warrant from the King, raiſing Arms for the ſuppreſſion thereof, was forced to obtain his Majeſties Pardon, though he happily ſuppreſſed the ſame. So no Subject of *England* can build a Caſtle, Fortreſs, or Houſe of Strength imbattelled, without Licence from the King: Neither can any without his Licence lawfully uſe Juſts, or Turnaments, or play, at Sword and Buckler, or do any other deeds of Arms without evident Peril, for if the one killeth the other it is Felony, ſaith *Coke*, becauſe it is not lawful to uſe Armes without the Kings Licence.

So ſaith that Martyr of Loyalty, Judg *Jenkins*: *All Juriſdictions do, and of right belong to the King: all Commiſſions to levy men for War, are awarded by the King, the power of War only belongs to the King, it belongs to the King to defend his People, and to provide Arms and Force.* And *Coke* upon the 25th of *Edw.* 3. *c.* 2. ſaith, That before that declarative Statute it was high Treaſon by the *Common Law*, to levy War within the Realm, without Authority from the King. *If any* (ſaith he) *levy War to expulſe Strangers, to deliver men out of Priſons, to remove Counſellors, or againſt any Statute, or to any other end*, pretending Reformation of their own heads, *without Warrant; this is levying War againſt the King, becauſe they take upon them Royal Authority.*

But Secondly, as the Laws declare the power of the Sword to belong to the King; ſo they declare him to be free from all Coercive Power, and Military Oppoſition and Force. So in 12 *Car.* 2. *c.* 30, it is declared by the whole Parliament, That *by the undoubted, and fundamental Laws of this Kingdom; neither the Peers of the Realm, nor the Commons, nor both together in Parliament, or out of Parliament, nor the People Collectively, or Repreſentatively, nor any other Perſon whatſoever, ever had, have, or ought to have any Coercive Power over the Perſons of the*

Kings of this Realm. And by the 25 of *Edw.* 3. *c.* 2, that Ancient and Standing Law about High-Treaſon, it is abſolutely declared, without excepting any Perſons, or Caſes, That *to levy War againſt our Lord the King in his Realm, or to be adherent to the Kings Enemies in his Realm, giving them Aid or Comfort in the Realm, or elſe-where,* is Treaſon. In the 13 *Car.* 2. *c.* 1. It is declared in general terms Treaſon, *to levy War againſt the King, within this Realm, or without*; and the ſame Parliament 13 *Car.* 2. *c.* 6. to cut of all popular pretences whatſoever of taking up Armes againſt the King, declared, That *both or either Houſes of the Parliament neither can, nor lawfully may raiſe, or levy any War*, defenſive, or offenſive, *againſt his Majeſty, his Heirs, and lawful Succeſſors.* And the next year after, Enacted, That the Magiſtrates of Corporations, and the whole Clergy, who are intruſted with the inſtruction of the People, ſhould declare before their admiſſion to any Office, Benefice, or Promotion, *That it is not lawful upon any PRETENCE WHATSOEVER to take up Armes againſt the King, and that they do abhor that Traiterous Poſition of taking Armes by his Authority againſt his Perſon, or againſt thoſe that are Commiſſionated by him.* As if thoſe, who drew up this Declararion, had had their Eyes upon the words of *Agur. And a king, againſt whom there is no riſing up.*

If ever Prince was declared to be Soveraign by Law, and as ſuch to be *Alcum* above all Coercive Power, and Military reſiſtance, it is the King of *England*, againſt whom the Subjects, neither the Peers, nor the Commons, neither in Parliament, or out of Parliament, neither in War offenſive or defenſive, upon any pretence whatever, ought to riſe up. And one would wonder, that there ſhould be men ſo blinded, as in the noon-day light of ſuch clear declarative Laws, to doubt, whether the King of *England* be a compleat, and irreſiſtable Soveraign,

ſaign, and yet there are too many ſuch, and ſome among thoſe, whoſe Profeſſion it is to ſtudy the Laws, who corrupt them, as Hereticks do the Doctrines of the Goſpel, or as the Scribes and Phariſees, who were the Lawyers of *Judea*, did corrupt and pervert the Law of *Moſes*, teaching their own Traditions, for his Doctrines; So theſe by many ſhifts, and evaſions, endeavour to enervate, and elude the Imperial Laws of this Realm.

I think my undertaking obliges me to conſider their Objections, as far as they have come to my notice; and firſt they object, That *the King of* England *is not Supream, becauſe he is limited by Law:* Now though this ſeems plauſible to Vulgar underſtandings, who cannot look through Fallacies; yet really it is no Objection, becauſe the Soveraign, without any Diminution to his Soveraignty, may be limited in the exerciſe of his Soveraign Power. This is ſo certain, that there is no Supream Power in Heaven, or in Earth, which is not limited, and confined in the exerciſe thereof. There are certain immutable Laws of Truth, Wiſdom, and Juſtice, within which the Soveraign Power of God himſelf is limited and confined; but nevertheleſs he is Supream Governour of the Univerſe, though he is neceſſarily bounded in the Adminiſtration of his Government, by thoſe immutable Laws. It is true, that this limitation of Almighty God in the exerciſe of his Soveraign Power is *intrinſecal*, and proceeds from the perfection of his Holy, and Righteous Nature; but yet it ſhews that the moſt perfect, and independent Soveraign may be limited in the Execution of his Supreme Power. So the Archangels, who next under God, are Supreme in their ſeveral Orders, are undoubtedly limited in the exerciſe of their Power, by the Laws of God, and the Laws that are ſuitable to their Nature; and perhaps alſo ſome of them may be limited by Political Laws, of Gods,

or

or their own making as the Kings of *Iſrael* formerly were, and ours now are.

So likewiſe thoſe, whom they call Abſolute, and Unlimited Princes, as the *Roman* Emperors were, they are only ſo comparatively, with reſpect to poſitive Civil Laws; but as for the Laws of God, and Nature, which bind their Conſciences as firmly, as any Civil-Laws, they are bound to obſerve them, and exerciſe their Soveraign Power within thoſe limits, which they ſet and preſcribe. For, whether they have their Supream Power from God, as we ſay, or from the People, as the Republicans will have it, it is all one, as to this matter, for they can have no Right, neither from God nor the People to make unjuſt, and tyrannical Laws.

So to come to limited Princes, eſpecially ſo called, ſuch as the Kings of *Iſrael* were, and Ours now are, they are limited in the exerciſe of their Power, by poſitive Political Laws, as well, as by the Moral Laws of God and Nature; but yet this Political Limitation of their Supreme Power in the exerciſe of it, doth not make them ceaſe to be Soveraigns, (ſince all Soveraigns are bounded in the exerciſe of their Authority) or deſtroy the eſſence of their Soveraign Power, no more than flowing in Pipes, and Channels deſtroys the eſſence of a Spring. For a Spring or Fountain is a Fountain, whether it flow through Pipes of Wood, or Pipes of Lead, thro' one or many Pipes: and ſo a Soveraign is a Soveraign, whether he be bounded in the exerciſe of his Power, by one or by many, by theſe, or by thoſe Laws. Our Kings of late, the number of Laws increaſing, are ten times more limited in the exerciſe of their Power, than their Anceſtors near the Conqueſt were; but yet they are as Soveraign Princes, as they were; as a Fountain is as full, and complete, and entire in it ſelf, when its Waters flow thro' a thouſand aqueducts as when they flow but thro' one.

The next Objection, with which they bewitch the People

ple, is this: That whatever the Laws ſpeak of the Kings Supremacy, it is to be underſtood of the King in Conjunction with the Parliament, where he ſhines in greateſt Luſtre, and that the Parliament are ſharers in the Soveraignty with the King: But this Objection is ſo abſurd in it ſelf, ſo contrary to the ſtyle and letter of the Laws, and ſo inconſiſtent with matter of Fact, that it is really wonderful, that any thinking man, of common underſtanding, who makes the leaſt inquiry into the Laws, ſhould be deceived thereby.

Firſt, it is abſurd in it ſelf, in ſuppoſing the Supream Power, which is one in its own Nature, and in every perfect and ſetled Government inveſted in one Man, or one Senate, or one Counſel, to be diviſible into three parts, between one Prince, and two Senates, whereof each is Co-ordinate with the two other, all equally ſharing in the Soveraign Power. Such a Government may indeed ſerve for a while in ſome certain * Exigence; as the Triumvirate of *Rome* did; but it is impoſſible it ſhould become a ſtanding, or laſting Government. It is impoſſible to make an Eſtabliſhment, or Settlement of it, becauſe if any Difference and Oppoſition happens among ſuch Co-ordinate Powers, none having Authority to make the other yield, they muſt have recourſe to Force, and Armes, and ſo there muſt be perpetual Wars, and Revolutions, till the Soveraign Power, divided againſt its own Nature, be reduced to one.

* *Igitur ordinatâ magis ut poterat, quam ut debebat in Triumviros Republicâ.* Flor. Hiſt. l. 4. c. 7.

Thus in the *Roman* Triumvirate, *Lepidus* coming to nothing, the Supreme Power remained in *Mark Antony*, and *Octavius*, who Naturally falling out into Wars between themſelves; *Octavius* ſurvived Conqueror, and took the * Supreme Power, under the Title of *Auguſtus* wholly to himſelf.

* *Gratulandum tamen eſt in tantâ perturbatione quod potiſſimum ad Octavium Cæſarem Auguſtum ſumma rerum rediit.* Flor.

But

But 2*ly*, This Objection, as it is abſurd in it ſelf, ſo it is contrary to the Style, and Letter of the Laws, or Acts of thoſe very Parliaments, which they pretend have a ſhare in the Soveraignty with the King. For, Firſt, the ancient Laws were always made in the form of a * *Petition* from the Lords, or Commons to the King, † and it is very ſtrange, that one Fellow in the Supream Power, ſhould ſo humbly Petition the other. But 2*ly*, Since time hath altered the form of Petitioning into Bills; both Lords and Commons have been uſed to call the King our *dread Soveraign*, our *Soveraign Lord*, our *Liege Lord, and Soveraign*, and the like, and to ſtyle themſelves, we your Majeſties *moſt humble and faithful Subjects, moſt dutiful and obedient Subjects*; and in that humble ſtyle to *beſeech him* to Enact ſuch and ſuch things, and that *it may pleaſe his moſt Sacred Majeſty*, that ſuch, or ſuch things be Enacted; which they neither could, nor would have done, had they been Co-ordinate with him. But 3*ly*, If they were Co-partners with him in the Supreme Power; how came they to declare the Realm of *England* to *be an Empire governed by one Supreme Head, and King, unto whom the body Politick of the Nation, compacted of ſeveral ſorts and degrees of People; divided in terms of Tempo-*

* Rot. Parl. 8. E. 2. n. 37. *Rex vice comiti Salutem. Querelam Archiepiſcoporum, Epiſcoporum, Comitum, Baronum, & aliorum de communitate regni noſtri* per petitionem *ſuam coram nobis & conſilio noſtro exhibitam recepimus, continentem quòd de bobus, vaccis, Muttonibus &c. Magna & quaſi intolerabilis eſt cariſtia---propter quod nobis cum inſtantia* ſupplicarunt *ut ſuper hoc curaremus de congruo remedio providere. Nos igitur* Supplicationi *precedenti pro communi utilitate populi dicti regni, prout expediens viſum fuerat, annuentes, ordinavimus de conſilio & aſſenſu prælatorum, comitum, baronum & aliorum de conſilio noſtro exiſtentium in Parliamento ultimo noſtro apud* Weſtminſter *habito, quod melior bos vivus venalis craſſus de grano non paſtus vendatur de cætero pro* 16 *Solidis & non ultra.*

The Petition mentioned in this Act begins thus.

Rot Parl. 8. *E.* 2. *n.* 35. Al, noſtre Seigneur le Roy & à ſon Conſail, prient Archevêques, Eveſques, Comtes, & Barons qu'il voullet faire ordonner certain prix, des boeufs, Moutons, *&c.*

† Rot. Parlm. 23 H. 6. n. 42. Prayen *the Commons of this preſent Parliament, the King our Soveraign Lord, of his* benigne Grace *to conſider. See* Pryns *Preface to the Abridgment; and the Royal College of Phyſitians,* p. 268. *Where, ſaith* Hales, *formerly a Bill in the nature of a* Petition, *was delivered to the Commons, and by the Commons to the Lords.*

Temporality, and Spirituality, owe, and bear, next unto God, a Natural and Humble Obedience: And, how came they to declare this *Supreme Head* of the Clergy and Laity to be *furniſhed with PLENARY, WHOLE,* and *ENTIRE* Power, *by the Goodneſs and Sufferance of Almighty God?* Certainly they can have no ſhare in it, if it be Plenary, Wholly, and Entirely in him. Nay, how came they to acknowledge *all Power, Temporal and Spiritual, to be deducted from him, as the Supreme Head,* and that they were his *moſt Faithful and Obedient Subjects, as they did in Parliament repreſent THE* * *THREE ESTATES of this Realm*; and that he was *the Supreme, and ONLY Supreme Governour thereof?* 1 Eliz. c. 3.

Theſe, to paſs over many others, are ſuch obvious Contradictions, as the moſt Vulgar underſtandings among common Country People, and Citizens, might eaſily diſcerne, if they would not blindly give up their belief unto the Republican Writers, and themſelves unto their Conduct, as the common People among the Papiſts do unto their Prieſts.

But 3*ly*, As this Objection is abſurd in it ſelf, and contrary to the Style, and Letter of the Laws; ſo is it inconſiſtent with matter of Fact: 1. In reference to the Houſe of Commons; 2. In reference to the Houſe of Lords; and 3. In reference to them both.

1. In reference to the Houſe of Commons; 1. As to their Original; the whole Body of the Commons of *England*, having not been repreſented by Knights, Citizens, and Burgeſſes in Parliament, before the latter end of the Reign of * *Henry* III, nor were their Repreſentatives conſtantly, and regularly Elected,

* Pryns *Preface to Sir* Rob. Cottons *Abridgment.* Filmers *Grand Inquiſt. Dr.* Bradis *againſt* Petyt.

and Called to Parliament till ſometime after. 2*ly*, From the Authority which calls them; for as it is plain from the Style of the Writ, though the Knights, Citizens, and Burgeſſes are choſen by the Free-holders and Free-men; yet their Power of chuſing is a Grant of the Kings, and made by his Leave and Authority, who commands and authorizes the Sheriffs to hold a County Court for that purpoſe, and ſee ſuch Elections made. 3*ly*, With the late and preſent ſtate of the Houſe of Commons, which, no longer ſince, than Queen *Elizabeths* time, had not Power to judg of the Legality, or Illegality of the Elections of their own Members, and yet, muſt have their Speaker, whom they chuſe, allowed by the King, and can exerciſe no one Act of Civil Juriſdiction, not ſo much, as adminiſter an Oath. It it is utterly impoſſible for any Eſtate or Senate of Men, of whom all theſe things are true, to be more than a ſubject Senate, or to have any ſhare, much leſs a third in the Supreme Power; nor was it ever aſſerted, until the late unhappy times, when to invert Mr. *Sidney*'s words, TREASON PASSED FOR TRUTH. I am ſure the ancient Commons of *England* had no ſhare in the Soveraign Power, when the King * could

Rot. Parl. 6 E 3. n. 9. *Les quelles choſes iſſint ordinez par les dits Comtes, Barons, & autre grantz lues devant noſtre Seignieur le Roy, & les Prelatz*, Chivalers de Countes, et Gentz du commun *furent plaiſants a eux touts, & par noſtre Seigneur le Roy, Prelatz, Countes, Barons, & autres grantz & auxint* par Chivalers des Counties, et Gents du commun *furent pleinement aſſentuz & accordez. Et auxint fut accordé, & aſſentu per noſtre Seign ur le Roy, Prelatz, Countes, Barons, & autres grantz* Chivalers des Countes, Gentz du comm. n, *que, &c.*

* Rot. Parl. 50. E. 3. n. 188. *The Commons Petitioned the King, that no man, great or ſmall, who had acted againſt his Allegiance and Oath to the King, and was impeached in that Parliament, or any Parliament to come, ſhould be pardoned, and that a Law ſhould be made to that purpoſe, to which the King anſwered*, Le Roy ent ſera ſavolenté, come mielts luy ſemble, *the King will do his will, as ſeemeth beſt to him.* Rot. Pat. 51. E. 3. Membr. 19. Adam Berry *being impeached by the Commons in Parliament of ſeveral high Crimes, and having all his Goods and Chattels Arreſted by conſent of Parliament for non-appearance, was pardoned by the Kings ſpecial Grace, after the Diſſolution of that Parliament, he being moved thereunto becauſe it was the* Jubile *of his Reign, and he had been petitioned by ſome of the Peers and Commonalty of the Realm in his laſt Parliament, to pardon him of his ſpecial Grace.* Nos jam memorantes quod annus noſter Jubileus, *viz.* annus regni noſtri quinquageſimus finaliter eſt completus, ac volentes eo prætextu ad honorem dei, qui tanto tempore proſpere providit nos regnare, nec non ad ſupplicationem quorundam de magnatibus et communitate regni noſtri Angliæ in ultimo Parliamento noſtro ſuper hoc factam gratiam facere ſpecialem, pardonavimus eidem *Ada* —— Pardon

Pardon Malefactors IMPEACHED, AND ACCUSED BY THEM; and the Commons of Queen *Elizabeths* time aſſembled in Parliament, had no ſuch apprehenſions, when they *kneeled while ſhe ſpoke unto them, and addreſſed themſelves as dutifully, and ſubmiſſively to her upon all occaſions, as any ſingle Subject among the meaneſt of her Subjects could do, although ſhe rebuked, and threatned them for their miſcarriages, * limited their deſired Liberty of Speech and Acceſs to her Majeſty, with great Caution, confined and impriſoned their Members for medling with the Succeſſion, againſt her Order: And, not to mention other particulars, I appeal to any Man of Common underſtanding, whether one Fellow in the Soveraignty durſt ſo treat another, or, if he were ſo mad as to do ſo, whether his Fellow in the Soveraignty would ſo tamely ſwallow, and digeſt his hard and bitter Pills.

* Townſends Col. p. 264.

* Townſends Coll. p. 33. 34.

But 2*ly*, as this Objection is inconſiſtent with matter of Fact, in reference to the Houſe of Commons; ſo alſo in reſpect to the Houſe of Lord, the *Supreme Judicature, and laſt reſort of the Nation.* 1. Becauſe the Lords are called, and commanded by the King, in his writ of Summons, to attend in Parliament, to conſult about the great affairs of the Kingdom: and 2*ly*, Becauſe the Kings have ſometimes * ſtopped proceedings in the

* Rot. Par. 36. H. 6. n. 38. *The Commons impeached the Lord* Stanley *of Treaſon, and drew ſpecial matter, and pray he may be Committed, but the King being there perſonally preſent, anſwered,* Le Roy s'aviſera: *ſo the King, by a word of his Royal Mouth ſtopped the Impeachment from being received.*

Lord Vicount Mordaunt *was Impeached by the Commons in the late Long Parliament, for ſeveral miſdemeanors, and was thereupon arraigned at the Bar of the Lords Houſe, but an Adjournment happening, the King pardoned him, and the Commons deſiſted from Proſecution.*

The Caſe of Dr. Manwaring *is very remarkable, for he was impeached by the Commons in* Charles *the Firſt's time, and Condemned by the Lords to perpetual Diſability: yet the King pardoned him, and advanced him to be Biſhop of St.* Davids, *which he held till Death, and took his place in the Houſe of Lords, as a Legal Biſhop, tho for fear of offence he was adviſed to withdraw.*

In 1 Rich. 2. n. 38. Gominez *was Impeached, and Condemned in Parliament, but Execution was reſpited till the Kings Pleaſure could be known, and he thereof more fully informed.*

House of Lords, and * pardoned Persons impeached at their Bar, and respited others from Execution Condemned at it, and often restored, and pardoned others, upon whom Judgment had passed in that August Court, which certainly is the most Honourable in the World. 3*ly*, † The Lords have joined with the Commons in *acknowledging the King for their Rightful, and Liege Lord and Soveraign, and in agnizing* (as their humble Phrase was) *upon the knees of their Hearts, their constant Faith, Obedience, and Loyalty to him, and his Royal Progeny.*

* Rot. Parl. 50 Ed. 3. Parl. 2. Membr. 1. *Lord* Latimer *was pardoned after Judgment at the Bar of the House of Lords upon an Impeachment of the House of Commons.* Rot. Parl. 51 Ed. 3. Membr. 24. Rich. Lyons *was in like manner pardoned.*

Nicolaus de Segrage *Condemned to death by the House of Lords, was pardoned by the King.* Parlm. 13. Ed. 1. Dominus rex tamen de Gratiâ suâ speciali pietate motus, malens vitam, quàm mortem eorum, qui se voluntati suæ submittunt, remittit eidem Nicholao judicium vitæ & membrorum. Placita Parliam. p. 266.

† 1 Jacob. c. 1.

Are these things consistent with the new Traiterous notion of Co-ordinacy? Or, with the Fellowship of the Peers in the Supreme Power with the King? No, the Noble and Loyal Peerage never thought so, but have in Parliament declared, that all *Temporal Power* (not excepting their own Jurisdiction) did proceed from the King.

But, 3*ly*, As this Objection is inconsistent with matter of Fact, in reference to the House of Commons, and House of Lords, severally considered: So is it inconsistent with matter of Fact, in reference to them both, as they make up one Parliament in two Houses and * three estates of men, whereof the King is Supreme Head. For First, the King, as Supreme Head, doth Adjourn, Prorogue, and Dissolve Parliaments, as it seemeth good to his Royal Wisdom, which is so inconsistent with the new notion of Co-ordinate Power, that the * Traiterous Pens of late have been fain to insinuate, as if it were an incroachment of the Crown; nay, some of them without the least ground in Law, or History, have asserted that

* *Grand Quest on p. 104, &c.*

* *Dialogue between Tutor and Pupil, &c.*

that our Kings have uſurped this Power. Wherefore, if the Parliament have their being from the King, and after they are in being, have their times of Sitting determined by his Majeſty, it muſt needs follow, that they have no ſhare in the Soveraignty, becauſe, of three Co-partners in the Supreme Power, it is impoſſible, that two ſhould owe their *being*, and, while they are in being, depend ſo intirely in their *acting* upon the third. 2*ly*, It is the Prerogative of the King, to diſpenſe with many Acts of Parliament, by a * *Non-obſtante*, or *clauſe of notwithſtanding*, eſpecially ſuch, as bind him from any Prerogative, that is ſolely, and inſeparably annexed to his Sacred Perſon, and Royal Power. But if the Parliament were Co-partners with him in the Soveraignty, and he only a Soveraign in Conjunction with them, he could not have ſuch a preheminence, which certainly can belong to nothing, but a perfect Soveraign, and an Imperial Crown. Thirdly, if the King were only a Soveraign in Conjunction with the Parliament, then in the receſſes of Parliament, the Kingdom would want a Soveraign Power, but this is moſt abſurd in it ſelf; and contrary to the frequent Declarations of Parliament, who have abſolutely declared the King to be Soveraign, without reſpect to Perſons, Time, or place.

* 44 Eliz. *In the Houſe of Commons, Sir* George Moor *ſaid.* We know the Power of her Majeſty cannot be reſtrained by any Act. Why therefore ſhould we thus talk? Admit we ſhould make the Statute with a *Non-obſtante*, yet the Queen may grant a Patent with a *Non-obſtante* to croſs this *Non-obſtante*. Townſends *Collections p.* 234.

The 2 Stat. 13. R. 2. C. 1. *Reſtrains the Kings Power to pardon Treaſon, Murder, or Rape, and circumſtantiates this reſtraint ſo, that it makes it penal to any Servant about the King to beg ſuch a Pardon to paſs by immediate Warrant,*

But the Commons quickly grew weary of this reſtraint, and within three years after diſſuſed a Law which paſt in 16 R. 2. c. 6. *whereby ſo much of the former Law, as made it penal to intercede for a Pardon, or to paſs it by immediate Warrant is repealed, and with the reſt of the Law the King diſpenſes at this day, by his Prerogative, with a* Non-obſtante.

The next Objection, which the Republicans make against

againſt the Soveraignty of the King, is taken from two paſſages of our ancient Lawyer *Bracton*, one *lib.* 1. *c.* 8. the other *lib.* 2. *c.* 16. In the firſt place, they cite him for ſaying, "That the Law "makes the King, and that the "King ought to give to the "Law, what the Law gives "unto the King, *viz.* Dominion and Power; for there is "nothing of the King, where "Luſt rules, and not the Law, "and that he ought to be under the Law, as being the "Vice-gerent of God, after the "Example of Jeſus Chriſt, "whom it pleaſed to be under the Law, that he might "redeem thoſe that were under the Law, and after the "Example of the Bleſſed Virgin, who, though ſhe was above the Law, yet "in her excellent Humility, did not refuſe to be "ſubject to the Law. And ſo ought the King to "do, that his Power ſhould not become exorbitant; "there ought not to be a Greater in his Kingdom "than he in the adminiſtration of Juſtice, but if "he ſeek Juſtice, he ought to be as one of the Leaſt "in receiving Judgment. But if another deſire Juſtice againſt him, ſince no Writ can lye againſt "him, there is room for Supplication, that he "would be pleaſed to correct and amend, what he "hath done amiſs; but if he will not, it is ſufficient for him, that he is to have God for his Avenger. But let no man preſume to call his Actions into queſtion, or contravene what he hath done.

Lex facit regem, attribuat igitur rex legi, quod lex attribuit ei, viz. *Dominationem & poteſtatem, non eſt enim lex ubi dominatur voluntas, & non lex. Et quod ſub lege eſſe debeat, cum ſit Dei vicarius, evidenter apparet ad ſimilitudinem Jeſu Chriſti* ——— *ſic & beata Dei genetrix* ——— *Sic ergo rex ne poteſtas ſua maneat infrænata, igitur non debet eſſe major eo in regno ſuo in exhibitione juris, minimus autem eſſe debet vel quaſi in judicio ſuſcipiendo, ſi petat. Si autem ab eo petatur (cum breve non currat contra ipſum) locus erit ſupplicationi, quod factum ſuum corrigat, & emendet; quod quidem, ſi non fecerit, ſatis ſufficit ei ad pœnam* quòd Dominum expectet ultorem. *Nemo quidem de factis ſuis præſumat diſputare, multo fortius contra factum ſuum venire.*

This

This is the whole paſſage, though the Objectors never cite more than the firſt part; but I have cited it all to let you ſee, that when this Author ſaid, the Law made the King, he meant the King in oppoſition to a * Tyrant, who makes his Will his Law, and that his obligation to live under the Law, was purely Moral, and not Co-ercive, as that of Subjects is. This is evident from his comparing of the King to Chriſt, and the Virgin *Mary*, and ſaying, that there is no remedy againſt him but Supplication, that it is ſufficient for him to have God for his Avenger, and that none ought to call his actions into queſtion, or Contravene what he hath done. Nay this alſo appears from the words immediately foregoing thoſe which I have cited.

* *As is plain from that famous Chapter,* l. 3. c. 9. *where he ſaith.* Dicitur enim rex a bene regendo, ſed non regnando, quia *rex* eſt dum bene regit, *tyrannus* dum populum ſibi creditum violentâ opprimit dominatione. Temperet igitur potentiam ſuam per legem. *Or elſe he means that the King is* King by Law, *i. e. by the Law of Succeſſion, which ſets the Crown upon every Kings Head. And this I take to be his meaning in that ſaying, which follows a little after the words above cited,* Meritò debet retribuere legi, quod lex tribuit ei, facit enim lex, quod ipſe ſit rex.

* *Every one is under the King, but he is under none, but only under God. He hath no Peer in his Kingdom, becauſe then he would loſe his Command, and becauſe one Peer hath not Power over another. In like manner he hath no ſuperior, becauſe then he would be inferior to his Subjects; and truly the King ought not to be under man, but under God and the Law,* BECAUSE THE LAW MAKES THE KING, &c.

* Omnis quidem ſub eo, & ipſe ſub nullo, niſi tantum ſub deo, parem non habet in regno ſuo, quia ſic amitteret præceptum, cum par in pare non habet imperium, item nec multo fortius ſuperiorem, nec potentiorem habere debet, quia ſic eſſet inferior ſibi ſubjectis, & inferiores pares eſſe non poſſunt potentioribus. Ipſe autem rex non debet eſſe ſub homine, ſed ſub deo & ſub lege, *quia lex facit regem*, &c.

In the ſecond place they cite him for ſaying, That *the King hath God his Superior, and the Law, by which he is made King, and his Court, namely his Earls and Barons, for they are* called Comites, *as being Companions*

ons to the King, and he that hath a Companion, hath a Maſter, and therefore if the King be without a Bridle, i. e. *Without Law, they ought to put the Bridle upon him.*

To which I anſwer, that the meaning of theſe words will be beſt known by the words next foregoing, which are theſe: * *Neither the Judges, nor private Perſons ought to diſpute about the Charters and Facts of the King, and if any doubt ariſe in them, can they interpret it; but they muſt wait for the interpretation, and pleaſure of the King; ſeeing he hath power to interpret his own grants; nay, although the Charter ſhould be falſified by raſure or a falſe Seal, it is the beſt and ſafeſt way to proceed to Judgment before the King. In ſhort, none may judge of the Kings Fact, or Charter, ſo as to make void the Fact of our Lord the King.* And then it follows by way of Objection; * *but ſome may ſay* [by way of objection] *if then the King ſhall do Juſtice, it is well, and for the ſame reaſon, if he do injuriouſly, it is well too, and who then ſhall urge him to amend the injuries he doth, leaſt he fall into the hands of the living God for his injuſtice.* This is the beſt *Engliſh* I can make of the *Latin* in the Printed Copy, which I am confident is imperfect; and to this objection he anſwers, * *The King hath*

* De chartis vero regiis, & factis regum non debent, nec poſſunt juſticiarii, nec privatæ perſonæ diſputare, nec etiam ſi in illâ dubitatio aliqua oriatur, poſſunt eam interpretari, & in dubiis & obſcuris vel ſi aliqua dictio duos contineat intellectus, domini regis erit expectanda interpretatio, & voluntas, cum ejus ſit interpretari, cujus eſt concedere. Et etiam ſi omnino ſit falſa propter raſuram; vel quia fortè ſignum oppoſitum eſt adulterinum melius, & tutius eſt, quod coram ipſo rege, procedatur ad judicium: Item nec factum regis, nec chartam poteſt quis judicare, ita quod factum domini regis irritetur; ſed decere poterit quis——

* Sed dicere poterit quis, quod rex juſtitiam fecerit, & bene, & ſi hoc, eâdem ratione quod malè, & ita imponere ei quod injuriam emendet, ne incidat Rex & Juſtic. in judicium viventis dei, propter injuriam.

* Rex autem habet ſuperiorem Deum, item legem, pr quam factus eſt Rex, item curiam ſuam, videlicet Barones, qui Comites dicuntur, quaſi ſocii regis, & qui habet ſocium habet magiſtrum, & ideo ſi rex fuerit ſine fræno, *i. e.* ſine lege, debent ei fræuum ponere.

hath God for his Superior, and the Law, by which he is made King, and his Court, namely his Earls and Barons for they are called COMITES, as being his Companions, and he that hath a Companion, hath a Maſter; and therefore if the King be without a Bridle, i. e. without Law, *they ought to put the Bridle upon him.*

Theſe are the words of *Bracton*'s Anſwer to the foregoing Objection, and it is very evident, that they cannot be extended to any *Coercive* Power, or Civil Juriſdiction, which the Earls and Barons have over the Perſon of the King, but to a *Directive*, and *Perſwaſive* Power alone, which their Counſels, Addreſſes, and Intreaties ought to have over him, to prevail with him not to act by an arbitrary and unbridled Power, but to take the *Bridle* of the Law upon him, and govern his Actions, eſpecially in granting Charters, by the Rule thereof. This appears, firſt from theſe words in the Objection, *leſt he fall into the hands of the living God*; and Secondly, from the words in *Bracton*'s Anſwer: The King hath God, his Superior; and the Law, by which he is made King; and his Court, namely his Earls and Barons. But the King in this World is under the moral Influence, and Direction, and not under the civil Co-ercion, or Juriſdiction of God; and under the Direction, and not under the Coercion or Juriſdiction of the Law; and therefore *Bracton* meaneth, that the King in like manner is under the *Moral Influence, and Direction* of his Court of Earls, and Barons, and not under their Juriſdiction, and Coercion, ſince, as he ſaith, *No man hath Power to judg his Charter, or his Fact.*

It is, and ever was, the Duty of that *Auguſt* Court, to advertiſe the King of any Arbitrary proceedings, or any Injuſtice he ſhould do, and by Complaint, Admonition, and Intreaty, to impoſe upon him to amend the Injury according to his Oath, but not by Coaction, and Conſtraint. They have a Directive Power, and

Moral Superiority over him, but no Coercive Power, or Authority; and when he breaks out into Arbitrary and Illegal Courſes, they may put the *Bridle* of the Law in a Moral way upon him, by Admonition, Counſel, Intreaties, and Advice.

Thus when our moſt Gracious Sovereign, at the Inſtance, and Sollicitations of the Diſſenting Parties, Granted an Indulgence, by which he Suſpended ſo many Acts of Parliament at a time; both the Lords, and Commons by Humble Intreaties, and by repreſenting to his Majeſty, the miſchievous Conſequences of ſuch a lawleſs Toleration, prevailed with his Majeſty to revoke his Proclamation, and to take upon him the bridle of the Law again. And what both Lords, and Commons uſed to do of late, by way of Complaint, Petition, Counſel, or Addreſs, the Lords alone did in thoſe days, who received Petitions for redreſſing of Injuries, and Remedying all Wrongs, not only againſt private Perſons, but againſt the King, when he was ſuppoſed to have granted illegal * Charters, or to be wrongfully ſeized of any Mans † Lands, or that his * juſt Debts were not paid. They were the laſt Remedy to all Complaints; and therefore in anſwer to this Objection, That, *If no man make void the Kings Fact or Charter*, Who ſhall impoſe upon him to amend his Injuries? *Bracton* anſwers, that he hath three Superiors to over-rule him. Firſt, God, *in whoſe hand* (ſaith he in another place) *the Kings heart is*; 2*ly*, The Law, by which, in Equity and Conſcience, he is bound to be directed, ſince it is the Law that makes the King. But then in the laſt place, if he neither fear God, nor regard the Law, there is the great Court of Ap-

* Rot. Parl. 8. E. 2. n. 66.

† *See the ſame as Proceſs had in Parliament* 8. & 9. Edw. 2. *upon the Petition of* Hugo de Courtney, *as next heir to* Iſabelle de Fortez, *Countſs of* Devonſhire.

* *Petition of the Abbot* de Melſa placit. Parlm. 404. *his add.* Petit. Prel. Com. Baron. ib. p. 425, p. 580 auxint prient les Prelates Gentz, *&c. The Petition of the Brothers and Siſters of St.* Catharine, *p.* 607. cum multis aliis.

Appeal, his Earles, and Barons, who will impartially declare what is right betwixt Him, and his Subjects, and by their great Influence over the King, whose Companions they are called, and their Jurisdiction over all other Courts, Impose upon his Majesty to take upon him the Bridle of the Law.

This I take to be the true meaning of *Bracton*, the *English* Subjects having ever injoyed the happy Priviledge to seek remedy against their Princes in their own Courts, which may be called *Civil Resistance*, but as for *Military Resistance* against an unjust King, it is as inconsistent with the *English* Government, as any other Monarchy in the World.

Thus have I answered these two Objections out of *Bracton*, which in the sense, that they would take them against the Kings Soveraign Power, are contrary to the Authors * meaning in many other places, where he speaks of Lawless, and Unjust Kings, as only punishable by God. And I would not have been so particular in answering of them, but that I find them urged against our late Blessed Soveraign at his Tryal, by *Bradshaw*; and by *Sidney*, in that part of his Traiterous Libel, which is extant in his Tryal.

The next Objection, which they make against the Kings Soveraignty, is taken from the Legislative Power, in which they say, the Two Houses share with the King; and this Argument, because there is something of appearance in it, they are used to urge home in their Popular Appeals, on

* As in l. 5. c. 3. p. 368, 369. *Quo casu cum dominus rex super hoc fuerit interpellatus in eadem persteterit voluntate, quod velit tenentem esse defensum cum injuriis, cum teneatur justitiam totis viribus defensare, extant erit injuria ipsius domini regis*, nec poterit ei necessitatem aliquis imponere, *quod illud corrigat, & emendet nisi velit*, cum superiorem non habet nisi Deum, & satis erit illi pro pœnâ quod Deum expectet ultorem. *See also what he writes*, l. 2. c. 24. *Et sciendum quod ipse dominus rex* ——— Where he concludes thus: *Addiscat rex sapientiam, & conserunt justitiam & Deus prohibebit illam sibi* ——— *Si autem fuerit insipiens* petet illum. In which words, he threatens a Tyrant with the Vengeance of God, who is his only Superior.

purpoſe to cheat the People into an apprehenſion, that the Monarchy is mixed, or compounded of Three Co-ordinate Eſtates. Thus ſaith Mr. * *Hunt, it can with no more reaſon be concluded, that the King hath the Legiſlative Power, becauſe his aſſent makes the Bills in the Parliament, Laws, than it can, becauſe the Third unit added to Two makes a Triad, that the other Two do not go to the making up of that number.* He intends by this Compariſon to make common Readers believe that the two Houſes are equal ſharers with the King in the Legiſlative Power, and for the truth of this, he ſends us to *our Statute Books, the Commentaries of our Law, and the Hiſtories of our Government*; and therefore ſince he hath appealed there, thither we will go.

*Poſtſcript p. 28.

The Statute *de Scaccario, Anno.* 51. *H.* 3. begins thus, *The King Commandeth, that all manner of Bayliffs,* &c.

The Stat. *de diſtrictione Scaccarii*, made the ſame year, runs thus, *It is Provided and Ordained--The King Willeth---*

The Statute of *Marlebridge*, 52 *Hen.* 3. runs thus: *It is Provided, Statuted, Agreed, and Ordained——— And he* [the King] *hath appointed all theſe Acts, Ordinances, and Statutes to be obſerved of all his Subjects.*

The Statute *de anno Biſſextili*, 21 *Hen.* 3. ſeems to be nothing, but a Letter of the Kings to the Judges, and it endeth, *Witneſs my ſelf at* Weſtminſter.

The Statute for Correction of the 11 *Ch.* of the Statute of *Gloceſter*, was Signed under the Great Seal, and ſent to the Judges after the manner of a Writ Patent, with a certain Writ incloſed, requiring, that they ſhould do, and execute all, and every thing contained in it, tho' the ſame do not accord with the Statute of *Gloceſter* in all things.

The New Statute of the Exchequer, called the Statute of *Rutland*, 10 *Edw.* 1. is penned, as if it were the Kings own Order, to the Treaſurer and Barons of the Exchequer, and it runs in this ſtyle, *We will and provide*, and it ends, *in Witneſs of which*, &c.

In

In the Statute at *Weſtminſter* 1, it is ſaid; *Theſe are the Acts of King* Edward *the* I. *made at his firſt Parliament by his Counſel, and by the aſſent of the Arch-Biſhops, Biſhops*, &c.

In the Statute of *Acton Burnel*, made in 11, or 13 *Edw.* 1. it is ſaid, *The King by himſelf and all his Counſel, hath Ordained, and Eſtabliſhed*; perhaps it might, be the conſideration of ſome of theſe and other ancient Laws which run only in the Kings name: That the Parliament 31 *H.* 8. *c.* 8. in the Preface of an Act, to give the Kings Proclamations, with the advice of his Counſel, the force of Acts of Parliament in ſeveral Caſes, did blame divers willful, and obſtinate Perſons, for contemning and breaking his Majeſties Proclamations, *not conſidering*, ſay they, *what a King, by his Royal Power, may do.*

But whether this Conjecture be ſo or no, The ſtyle of the ancient Acts of Parliament ſufficiently ſhews in whom the Legiſlative Power is lodged. In the firſt *Ch.* of the Statute of *Weſtminſter* 1. *The King Willeth and Ordaineth.*

In the Statute of *Mortmain*, 7 *Edw.* 1. *We therefore by the Advice of our Prelates, Earls, Barons, and other Subjects, have Provided, Made, and Ordained.*

In the Statute of *Weſtminſter* 3, 18 *Edw.* I. *Ch.* I. *Our Lord the King in his Parliament at* Weſtminſter, *at the inſtance of the Great Men of the Realm, Granted, Provided, and Ordained.*

In the Statute *de iis, qui puniendi ſunt in Aſſizis*, 21 *Edw.* 1. *Our Lord the King in his Parliament holden—— hath Ordained, that——*

The Statute of *Quo Warranto*, 18 *Edw.* 1. runs thus, *Our Lord the King, at his Parliament holden at* Weſtminſter, *of his ſpecial Grace, and for the affection he beareth unto his Prelates, Earls, and Barons, hath granted, that——*

1 *Edw.*

1 *Edw.* 2. begins thus, *Our Lord the King hath granted.*

The Statute of Sheriffs, 9 *Edw.* 2. *Our Lord the King, by the aſſent of the Prelates, Earls, Barons, and other great Eſtates, hath Ordained and Eſtabliſhed.*

The Statute of *Gavelet*, 10 *Edw.* 2. begins thus; *It is Provided by our Lord the King, and his Juſtices.*

The Statute of *Carliſle*, 15 *Edw.* 2. begins thus: *The King unto the Juſtices of his Bench, ſendeth Greeting. Whereas of late we have Ordained——We have ſent unto you this our Mind in Writing, firmly to be obſerved.*

1 *Edw.* 3. begins thus: *King* Edw. 3. *at his Parliament, at the requeſt of the Commonalty, by their Petition before him, and his Counſel in Parliament, hath Granted.*

5 Edw. 3. *Our Lord the King, by the aſſent of the Prelates, Earls,* &c. *and at the requeſt of his People, hath Granted, and Eſtabliſhed.*

9 Edw. 3. c. 1. *Our Lord the King, by the aſſent of his Prelates,* &c. *and by the advice of his Counſel being there, hath Ordained and Eſtabliſhed. See alſo* 10 *Edw.* 3.

1 Rich. 2. Richard *the* 2*d, by the Grace of God——by the whole aſſent of the Prelates, Dukes,* &c. *and at the inſtance, and ſpecial requeſt of the Commons of our Realm, hath Ordained and Eſtabliſhed*——See alſo 3 *Rich.* 2. *c.* 3. *S.* 2.

The Common ſtyle of Acts of Parliament in *Hen.* 4. *Hen.* 5. *Hen.* 6. *Edw.* 4. *Rich.* 3. is this, or very little different. *Our Lord the King, by the aſſent of the Prelates, Dukes, Earls, Barons, and at the inſtance, and ſpecial requeſt of the Commons hath Ordained.* In the Reign of *Hen.* 7. many Acts were made in the form of Petition, as 19 *Henry* 7. *c.* 15, 17. Prayen *The Commons*

in

in this preſent Parliament aſſembled——and 1 *Hen.* 7 c. 7. runs in this ſtyle: *The King, our Soveraign Lord, of his noble, and abundant Grace, by the advice, and aſſent of the Lords Spiritual, and Temporal, at the ſupplication of the Commons in the ſaid Parliament aſſembled, and by Authority of the ſame, Ordaineth.*

The Statutes of *Hen.* 8. do generally agree in their ſtyle, with thoſe of his Father; and in his time alſo many Acts were drawn up in form of Petition, as 3 *Hen.* 8. *c.* 14. Prayen *your Highneſs, the Commons in this preſent Parliament aſſembled,* and 5 *Hen.* 8. *c.* 4. Prayen *the Commons in this preſent Parliament*——

1 Edw. 6. c. 4. *Wherefore the King our Soveraign Lord, minding, and entirely deſiring*——*at the humble Petition and Suit of the Lords, and Commons in this preſent Parliament aſſembled, doth Declare, Ordain, and Enact by the aſſent of the Lords Spiritual, and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame.*

1 Mary c. 1. 7. *Be it Enacted, Eſtabliſhed, and Ordained by the Queens moſt exeellent Majeſty, with the aſſent of the Lords Spiritual, and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame*——

1 *Eliz.* is in the ſupplicatory ſtyle. *Moſt humbly beſeech your moſt excellent Majeſty, your Faithful, and Obedient Subjects, the Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, that*—— and almoſt every Paragraph of it begins thus: *May it pleaſe your Highneſs, that it may further be Enacted, and Eſtabliſhed.*

5 Eliz. c. 5. *Be it Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority aforeſaid*——King James his Acts for

for the moſt part run in the ſame ſtyle with thoſe of Queen *Elizabeth*.

1 Car. 1. c. 6. *The Kings moſt excellent Majeſty, out of the Princely care, that he hath of all his Loving Subjects, having a ſpecial care to the increaſe, and continuance of their Wealth, by the aſſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, Ordaineth, Enacteth, and Eſtabliſheth*——

12 Car. 2. c. 11. *The Kings moſt excellent Majeſty taking into his gracious conſideration the*——*is pleaſed that it may be Enacted; and be it Enacted by the Kings moſt excellent Majeſty, with the Advice, and Conſent of the Lords and Commons in this preſent Parliament aſſembled.* 16 Car. 2. c. 1. *Your moſt Loyal Subjects, the Lords and the Commons moſt humbly beſeech your moſt excellent Majeſty, that it may be Declared, and Enacted.*

And now we have appealed to our Statutes, is it not as clear as day, that the King alone is our Legiſlator, and that the two Houſes have nothing to do in making Laws, but to *Petition*, and *Conſent*? It is his Royal will, his *Le veult*, that gives Life, and being, and the force and formality of a Law, to that which was before but a dead Letter of Petition, or Adviſe. The King of his abundant Grace, at the ſpecial *Inſtance*, *Requeſt*, or *Counſel* of his Lords, and Commons, Grants, and Ordains, he out of his Princely care, Enacteth, and Provideth; and the Office of the two Houſes, is only to Conſult, and Prepare matter for the Royal Stamp.

Wherefore the Legiſlative Power, or Power which makes Bills, and Petitions, Laws, is ſolely, and formally in the King, though he is limited in the exerciſe of it, and tyed up from uſing of it, except when his Lords, and Commons conſent.

Other-

Otherwiſe to determine the matter logically. The Legiſlative Power is either *largely*, and *improperly*, or *ſtrictly*, and *properly* taken, and called. Largely taken, it ſignifies any Power, which hath Authority to provide the materials of a Law, and to judge what is juſt convenient, or neceſſary to be Enacted, and to declare when any matters duly prepared, are made, and granted into a Law; and this miniſterial ſort of Legiſlative Power, improperly ſo called, the two Houſes have, and exerciſe by Authority from the Crown.

But then 2*ly*, The Legiſlative Power is *ſtrictly*, and *properly* taken for the Power of Sanction, or for that commanding ordaining Power, which giveth life, and being to the Law, and force to oblige the Conſcience of the Subject; and this is radically, and incommunicably in the King, as Soveraign; and therefore the Acts run *The King*, and *Our Soveraign Lord the King, at his Parliament, of his ſpecial Grace, at the requeſt, or by the aſſent of——hath Granted, Ordained*, &c. And from the Legiſlative Power thus properly taken, the Laws are properly called the Kings Laws, and the violation of them is puniſhable, as ſuch.

And therefore to return to Mr. *Hunt*'s fallacious inſtance; I grant him, that the two Houſes concur to the making of an Act of Parliament, as the two firſt Units do to the making up the number three; for the two former Units, as Logicians ſtate the Queſtion, are only the *matter*, but the laſt Unit is the *form* of the triad, which ſpecifies the number, and makes it to be three: And juſt ſo the Conſent of the two Houſes concur, as the matter, but the *Fiat* of the King is the form of the Sanction, which *ſpecifies* all Bills, and makes them to be *Laws*. So that the Character of the Legiſlative Power, properly taken, or the formal and final Sanction of Bills, and Petitions into Laws, reſteth ſolely in our Soveraign Lord the King,

as the ſpecification of a triad doth in the laſt Unit.

But he deſigned by his *ſimile* to make his Reader believe, that as any one of the Units in a triad placed laſt doth ſpecifie that number; ſo the conſent of the Lords, or Commons, if it be given laſt, doth as much ſpecifie a Bill into a Law, as the Conſent of the King; and to this end he tells us, that ſometimes *the Commons conſent laſt*, as they did particularly to the *Letters Patents* of *Edw.* 3. for making the Kings Eldeſt Son ſucceſſively Prince of *Wales*, and Duke of *Cornwal*, and for the truth of this he refers us to *Cokes* 8th Report. I was mightily ſurprized to read, that the conſent of the Commons was neceſſary to make a Prince of *Wales*, having read in the ſame Kings Reign, that when the * Commons ignorantly prayed the Houſe of Lords to make *Richard Bourdeaux*, the Kings Grand-ſon, Prince of *Wales*, as his Father had been, they anſwered, *it laid not in them, but in the King to do ſo*, with whom they promiſed to mediate for that purpoſe, and accordingly in his next Parliament, the Lord Chancellor brought this as an Argument to prove how dearly the King loved the Lords, becauſe at their requeſt he had advanced *Richard* to be Prince of *Wales*. Indeed the Caſe in my Lord *Coke* doth not concern the making of a Prince of *Wales*, but the inalienable Right which the Prince had to certain Lands, Mannors, Juriſdictions, and Immunities, as Duke of *Cornwal*, for the maintaining his Princely Honour; which Lands, Manners, *&c.* could not belong to the Princes Succeſſively, and inalienably, but by Act of Parliament, and therefore the firſt Queſtion, in the Caſe of the Prince was, Whether the Charter made in the 11*th* year of *Edw.* 3. whereby he gave the Dutchy of *Cornwal*, and all the Priviledges annexed to it, to the Kings Eldeſt Son ſucceſſively, were confirmed by Act of Parliament, which the Judges, *Coke*, *Fleming*, and *Williams*, undertake to prove that

*Cotton's *Abridgment.* 50 Edw. 3. n. 42.

it

it was, but do not in the leaſt hint, that the Charter was Confirmed in *the laſt place*, by the conſent of the Commons, but rather the Contrary, that the Prince was made Duke of *Cornwal, ad requiſitionem procerum & communicatis Regni*, at the requeſt of the Lords, and Commons, as *Henry* Son to the Earl of *Lancaſter* (whoſe Example they cite to confirm their Opinion,) was by the King in a Parliament held that very year, created Earl of *Darby* by Charter, in which the honor was granted to him, and the heirs of his body for ever. So little ſincerity there is in Factious Writers, whom we ought to try before we truſt.

The next Objection, which the Common-wealthsmen are wont to make againſt the Kings Soveraignty, is taken from the occaſion of making the Laws, which declare *him to be Supreme, next under God, and Subject to none, but to him, and that his Realms have no Superior under God, but him.* 'Theſe Laws (ſay they) were 'made againſt the Papal Claims, and Uſurpations, and 'the occaſion upon which Laws are made, ought to li-'mit the ſenſe of them, and by conſequence theſe Laws 'ought to be ſo interpreted, as to ſtand in oppoſition to 'the foreign Power of the Popes; of which both the 'Prince, and People of this Land have been always jealous, 'and not to the Domeſtick Power of the People, which 'may defend their juſt Rights againſt the exorbitant 'Power of their Prince.

To this Objection I reply many ways. Firſt, That the occaſion of making theſe Declarative Laws does perfectly Anſwer the Objection, which is taken from it, becauſe they determine the Controverſie, whether the People of this Land were ſubject next under God to the King, or to the Pope? or whether it was the Pope, or the King, that next under God, was the Supreme Governour of this Realm, to whom the People were bound to bear a

Natural, Humble, and Faithful Obedience? and by conſequence they do declare, that the Kings of *England* Succeſſively have that Sole, Supreme, and Unaccountable Power over their People, which the Popes would have uſurped, and that all Authority, Power, and Juriſdiction which others Exerciſed over them, was derived from the King, and not from the Pope.

Secondly, I deny, that the Senſe of Laws is always to be limited to the occaſions, upon which they happened to be made, for as abſolute, and univerſal Truths are often occaſionally ſpoken, and declared by great Men: So Laws of Univerſal intendment, and Declaratory of Abſolute, and Univerſal Truths, are often made by our Legiſlators, upon particular occaſions: And ſo upon the Popes Pretences of having Soveraign Power, and Authority over this Kingdom, the Parliament hath often declared theſe abſolute, and univerſal Truths, That *this Realm hath no Superiour under God, but the King; that the King is furniſhed with Plenary, Whole, and Entire Power*, &c. *and that all Authority is derived from him; and that unto him the People owe, next unto God, a* * *Natural and Humble Obedience, and that he is the only Supreme Governour of this Realm.*

* *Albeit many perſons never took the Oath of Allegiance, yet are all Subjects of what quality, profeſſion, or ſex ſoever, as firmly bounden to their Allegiance, as if they had taken the Oath, becauſe it is written by the finger of the Law in every one of their Hearts, and the taking of a Corporal Oath is but an outward declaration of the ſame.* Coke in cap. 10. Statut. de Marlbridge.

Thirdly, The ancient Lawyers and Judges, which I have cited before, declare the ſame things of the King, with reſpect to Domeſtick, as well as Foreign Power; and that it is ſufficient for him, when he wrongs his Subjects, that he expect God for his Avenger, and therefore undoubtedly the Laws Declaratory of the Kings Soveraignty, are to be underſtood abſolutely in oppoſition to all Domeſtick, as well as Foreign Power.

Fourthly,

Fourthly, It is falſe, that all the Laws Declaratory of the Kings Soveraignty were made upon the occaſion of the Papal Incroachments, and Uſurpations, for ſome have been made upon the occaſion of the late unnatural Rebellion, and the Doctrines that were then publiſhed, of the Lawfulneſs of the Peoples reſiſting the King, as * that which declares, 'That the ſole Supream Government, 'Command, and Diſpoſition of the Militia, and of all 'Forces by Sea, and Land is, and by the Laws of *Eng-* 'land ever was, the undoubted Right of his Majeſty, 'and his Royal Predeceſſors; and that both, or either of 'the Houſes of Parliament, neither can, nor lawfully 'may raiſe or levy any War Offenſive, or Defenſive, 'againſt his Majeſty, his Heirs, and lawful Succeſſors. As likewiſe * that *which declares that it is not lawful upon any pretence whatſoever to take up Arms againſt the King; and that the Poſition of taking up Arms by his Authority, againſt his Perſon, or againſt thoſe that are Commiſſionated by him, is Traiterous, all which agrees* with that ancient Statute of 25 *Edw.* 3. *c.* 2. Wherein without any regard to the Papal, or any other Foreign Power, it is abſolutely declared to be High Treaſon *to levy War againſt our Lord the King.*

* 13. Car. 2. 2.

* 13 Car. 2.

The laſt Objection of the Republicans, is taken from the Kings Coronation Oath; which, they ſay, hath the Nature of a * *Contract and Bargain betwixt the King and the People*; and that the People have Power to exact the performance of it, but in caſe the King will not perform it, but break it, that then they are free from their Allegiance, becauſe he hath broken the Condition, upon which he was admitted to be King. Were this true, I confeſs the Kings of *England* would not be Soveraign Princes, nor the Regal Office any other, but an Office of *popular Truſt*. But this Notion of the Coronation-Oath, is utterly inconſiſtent with the Declaratory Laws

* Sidney's Paper. Bradſhaw in the Kings Tryal.

of

of the Kings Soveraignty, which I cited before, and with the Common Law of Succeſſion, which according to ſo many Declarations in Parliament, and the Opinions of our Ancient, and Modern Lawyers, without any Concurrent Act of the People ſets the Crown upon the Kings Head. Before the Statute of the 25 of *Edw.* 3. It was High-Treaſon by the Common Law to Levy War againſt the King before, as well as after his Coronation, and in all Ages the Kings of this Realm have exerciſed their Soveraign Power as abſolutely before, as after they were Crowned.

Our preſent Soveraign, whom God long Preſerve, made the Act of Oblivion, and Indemnity, before he was Crowned, and not to inſiſt upon other inſtances, it is plain from hence, that the Coronation-Oath is ſo far from being a Virtual Contract, and Bargain betwixt the King and his People, that he is a * perfect King before his Coronation, and may chooſe, whether he will be Crowned, or no. His Reign Commences from the laſt moment of his Anceſtors, Life, and as he may Reign one, ſo he may Reign ten, or an hundred years, if he lives ſo long, without being Crowned at all. Nay, a Royal Infant, or Minor, who cannot take the Coronation Oath, is as much King, by the Laws of this Realm, as the Heir, that ſucceeds at Mans Eſtate; and as the Coronation only ſhews, and declares, but doth not make the King: ſo the King at his Coronation takes his Oath not as a Virtual Contract betwixt him, and the People, but for their Comfort, and Conſolation, to give them all the aſſurance, that man can give, that he will Rule his Subjects by Law, and be a juſt, and merciful Prince. But if he do not, but violate his Oath, ſtill he is Soveraign; and *Bracton*'s Rule ſtill holds good, *ſufficiat*

* *See the opinion of the Judges in* Calvin's *Caſe.*

at illi, quod Deum expectet ultorum, it is ſufficient for him, that God will be his Avenger, God * from whom he hath his Power, and whoſe Vicegerent he is. To conclude, the Coronation of a King, though it be a more Stately, and Majeſtical Ceremony, yet in our Laws, it really adds no more to him, than the Proclaiming of him doth; and the Oath which he takes at it, hath no more of the Nature of a Compact in it, than a voluntary Promiſe by Proclamation to Govern according to Law. This will appear further from matter of Fact, becauſe many of our Kings have been * twice Crowned, as King *Hen.* the II, King *Hen.* the III, King *John*, and King *Rich.* II, which ſhews that the Coronation of a King is a free voluntary act of a Prince, that was actually King before he was Crowned.

* *Let us ſee with what Honours a* Soveraign King (*ſuch a one as is her Majeſty*) *is* illuſtrated and made redoubted *to her Subjects. Firſt what great Majeſty,* &c. *is intended by ſetting a Crown upon her Head, for in the Reverend and Majeſtical action of Coronation ſhe is firſt anointed, then bleſſed, after that conſecrated to ſignifie to her and to us, that* ſhe is of God, that her Power is from Chriſt, *and that ſhe is to rule over Chriſtian People.* Cokes Inſtit. 4. c. 47. p. 343.

* *See* Coke *on the Preface to the Statute of* Merton, pro Coronatione ipſius Domini regis.

II. Having now proved, That *it is unlawful for Subjects to riſe up againſt Soveraign Kings, and Princes,* and anſwered all the Objections General and Special, which are wont to be brought by the *Common-wealths-men* againſt this Doctrine, I now proceed in the Second place to prove, That *thoſe Subjects who riſe up againſt their lawful Soveraign, riſe up againſt God, whoſe Vice-gerents Soveraign Kings and Princes are.*

This is a plain Conſequence, That an Inſurrection of Subjects againſt a ſingle Perſon, to whom God hath Committed the Supream Power over them, as unto his own Lieutenant, and Vice-gerent, muſt in conſtruction be an Inſurrection againſt God. For in ſuch a caſe the Subjects, who of themſelves have no right at all to take

take up Arms, take them up againſt him, to whom, as unto his own Vice-roy, God hath given the Sole Right, and Power of the Sword, and ſo they commit a double Rebellion againſt God. Firſt, in uſing Force of Arms, which without Commiſſion from his Lieutenant, they have no right to uſe; and Secondly, in uſing it againſt him; who by virtue of his Office, as Supream next under God, muſt have ſuch a Power, as none of his Subjects hath a right to reſiſt. They who have no Power to take up Arms, preſume to take them up againſt him, to whom alone the Power of War, and of providing Arms belongs, and whom God by virtue of his Office under him, hath made irreſiſtable, and ſet above all Coercion, and Force. The caſe is juſt the ſame, as if an unlimited Monarch ſhould ſend a Vice-roy to ſome of his diſtant Dominions, and together with his Commiſſion ſhould alſo ſend a Declaration under his Letters Patent, to let his People know, that it was his Royal will, and pleaſure, that they ſhould obey him, as if he were there himſelf in Perſon, and that according to the Nature of his Character, and Office, he was not to be accountable to any of them for what he did, but to himſelf the only Superior, to whom alone he was Subject, and that if he ſhould abuſe his Power into Tyranny, not for their good, but for their hurt, that they ſhould have liberty to complain unto him, who had ſent him, and he would remove him, or continue him, as he ſaw reaſon for it, and as they deſerved. Now if upon the concurrence of ſuch a Commiſſion, and ſuch a Declaration, this People, or any part of them ſhould take up Arms againſt ſuch a Vice-roy, their riſing up againſt him, would be a virtual inſurrection againſt their King, who had delegated his Royal Power to him, and appointed him to rule over them in his ſtead.

This

This Compariſon is no Fallacy, becauſe as Vice-roys, or Lieutenants are to unlimited Monarchs, ſo are Soveraign Princes unto God; who hath declared in the Scriptures, that the Supream Power is his Ordinance, and that all ſingle Perſons, who rightfully poſſeſs it, are appointed by him, and to be received as his Vicegerents, within their appointed Dominions, to whom (upon the account of their delegated Soveraign Authority) paſſive, as well as active Obedience, is due.

When the *Common-wealths-men* are preſſed with this way of Arguing, from the Nature, and Original of Soveraign Power, they are wont to diſtinguiſh between Soveraigns, which are made ſo by immediate Deſignation from God, as was *Saul* and *David*; and Soveraigns, which come to be ſo by other means, as by Election, Succeſſion, &c. and as to the former, they will admit this Doctrine to be true, becauſe they are apparently made Soveraigns by God; but they deny the truth of it with reſpect to the latter, becauſe theſe are made Soveraigns (*ſay they*) by the expreſs, or preſumed Conſent of the People; and therefore for *private Perſons* to riſe up againſt ſuch Soveraigns, is to riſe up againſt the People, who raiſed them to the Soveraign Power, but for the *People* to riſe up againſt them, is no more than for a Senate, or Council of Men to change their laſt Reſolution, and undo their own Act, and Deed. It repented the Lord (*ſay they*) that he had made *Saul* King, and therefore he rent the Kingdom from him, and ſo (*ſay they*) when it repents a *People* that they made ſuch a man a King, they may rend the Kingdom from him again, if he will not recede from it, and their Inſurrection againſt him in ſuch a caſe, is only to uſe their lawful Liberty, and Power.

Wherefore to anſwer this Objection, and diſcover the great Fallacy, which lurks in it, I ſhall immediately

proceed to ſhew, that this diſtinction betwixt Soveraign Princes which are made ſo, like *Saul* and *David*, by immediate Deſignation from God, and Soveraign Princes, which come to be ſo by other rightful means, is vain, and groundleſs, as to this purpoſe; all rightful Soveraigns, howſoever they come by the Soveraignty, being equally Gods Lieutenants, and Vice-gerents, and equally appointed, and ordained by him. Though this may ſeem a Paradox at firſt hearing, yet it will appear to be very true, if you conſider, That God by giving of any thing to any man by his own immediate Order, and Deſignation, neither intends, nor can effect any more, than that the thing, which he gives him ſhould be his, by as full and ample a Right, as the things of other rightful owners, are underſtood to be theirs.

Thus for Example, by giving of *Paleſtine* to the Children of *Iſrael*, he intended no more, than that the Country ſhould be theirs by the ſame Right, that it had been the *Canaanites* before; and by his expreſs, and immediate Warrant to the *Hebrews* to ſpoil the *Egyptians*, he only transferred unto them the Right, and Property of the Firſt Poſſeſſors, making the Cloaths, and Jewels, which they borrowed of them, theirs, by as full a Right, as they had been the reſpective owners before. So if God, who is King of Kings, and Lord of Lords, ſhould now think fit to Depoſe any rightful Soveraign Prince, and put another in his place; by ſo doing he could intend, and effect no more, than that this new Prince of his own Creation, ſhould Rule under him by the ſame Right, that his depoſed Predeceſſor had done.

According to this Notion it is manifeſt from the Hiſtory, as well as the Nature of the thing, that Gods Intention in anointing *Saul* to be King over *Iſrael*, was only to declare, that he gave him as full, and perfect a Right to Rule under him, over that People, as Soveraign Kings

Kings of other Countries had to Rule under him over theirs. The Text tells us that they asked, and that he gave them a King after the manner of the Nations round about them; and ſo if he ſhould now raiſe up a Prophet in the ſtate of *Venice*, and ſend him in the Power and Spirit of *Elias* to anoint a private Gentleman King, he could thereby deſign, and would effect no more, than that his *Anointed* Vicegerent ſhould have the ſame right to govern that People, which other rightful Soveraign Princes of *Europe*, how ever they came by the Soveraignty, have to govern theirs.

Thus when a King beſtows Lands upon a Favourite, and makes him one of his Tenants in *Chief*, he is not underſtood to give him either another, or a better, but the very ſame Right and Property, that his other Tenants have to their Eſtates, whether they came unto them by Gift, Purchaſe, or Inheritance, or any other way, by which Men come to have a Civil-Right. Juſt ſo, provided a Man be a Rightful Soveraign, it is all a caſe how he acquired the Soveraign Power, whether by Conqueſt after a Juſt War, or by Preſcription, Purchaſe, Election, or Succeſſion; or if by Donation, whether from God, or Man; for whatever be the manner of rightfully acquiring the Supream Power, being once rightfully acquired, it places him who hath ſo acquired it next under God, and the Right which he hath acquired unto it, is every way as Divine, and Valid, by one way of acquiring, as by another.

Wherefore the immediate receiving of an Imperial Crown from the hand of God, though it be the moſt Honourable way of acquiring Soveraign Power, yet it adds no weight to any mans Title, nor makes his right unto it to be more than a compleat and perfect right, as if now God were pleaſed Miraculouſly to interpoſe, and give a Beggar a great Eſtate, and make him a Peer of

the Realm; by ſo doing he could only effect that the dignified Beggar ſhould have the ſame right to the Lands and Peerage, which his infinite Majeſty, had done him the Honour to beſtow upon him, that other Peers of the Realm had to theirs.

From this Compariſon it is plain, that a Divine Unction is but one among many other ways of acquiring a right to the Supream Power, which however it is acquired, puts a Man in the place of God, and by conſequence that ſuch Soveraign Kings, as *David*, and *Solomon*, whom I may call *Created Kings*, differ no more, as to their Vicegerency under God, from Soveraign Kings, by Succeſſion, or Election, than a Created Man differs in his Nature from a Begotten Man.

Accordingly we find in the Scriptures, that Soveraign Princes, who never had the Honour of being immediately appointed, and ſet up by God, are, notwithſtanding, own'd by him for his Lieutenants, as much as *Saul*, or *David*, or any other Created King. To this purpoſe ſpeaketh *Daniel* to *Nebuchadnezzar*, Ch. 2. 37. *Thou O King art a King of Kings, for the God of heaven hath given thee a kingdom, power, and ſtrength, and glory*; and to the ſame purpoſe he ſpoke unto his Grandſon *Belſhazzar*, Ch. 5. 18. *The moſt high gave* Nebuchadnezzar *thy father a kingdom, majeſty, and glory, and honour, and for the majeſty that he gave him, all people, nations, and languages trembled, and feared before him*——And God by the Prophet *Jeremiah* ſpeaks to the very ſame effect, in *Ch.* 27. 5, 6. *I have made the earth, and have given it to whom it ſeemed meet unto me, and now I have given all theſe lands into the hand,* (or Power) *of* Nebuchadnezzar *my ſervant.* Accordingly it is written of *Cyrus*, another Heathen Emperor, *Iſa.* 54. 1. *Thus ſaith the Lord to his anointed* Cyrus, *whoſe right hand I have holden to ſubdue nations before him.* And 2 *Chron.* 36, 23. *Thus ſaith* Cyrus

King

King of Perſia, *all the Kingdoms of the earth hath the Lord given me.* So *Prov.* 8. 15, 16. *By me kings reign, and princes decree juſtice, by me princes rule, and nobles, even all the judges of the earth.* To this purpoſe alſo ſpeaketh St. *Paul*, Rom. 13. 1, 2. *Let every ſoul be ſubject to the higher powers, for there is no power, but of God, the powers that be, are ordained of God, whoſoever therefore reſiſteth the power, reſiſteth the ordinance of God.* St. *Paul* wrote this when an *Elected* Emperour Ruled the World; and therefore the Republican diſtinction between Soveraigns which are made ſo by immediate Deſignation from God, and Soveraigns, which come to be ſo by other means, is vain and futile, as to the end for which they uſe it, becauſe it appears, that God Appoints, and Ordains all rightful Soveraigns, though not by immediate Deſignation, and that the Supream Power equally places Hereditary, and Elective Soveraigns, in immediate Commiſſion, next under God, as well as thoſe, whom he ſets up in that extraordinary way of immediate Deſignation by himſelf.

This the Emperor *Valentinian* underſtood very well, who anſwered the Army, who would have had him take a Partner to him in the Government, thus, * *It was in your Power*, Souldiers, *to chuſe me for your Emperour, but now you have choſen me, that which you demand is no longer in your Power, but mine.* Indeed People may have a Power of chuſing their *Soveraign*, as Wives have of chuſing their Husbands, but when they have choſen them, they are no longer free to reſiſt, or depoſe them, though they may repent of their Choice. They muſt abide by them as Wives do by their Husbands, who have their Power, and Authority over the Wives, that chuſe them, from God. And as every Elected Husband, by vertue of his Office, hath the ſame Power, and Headſhip, over the Wife, who chuſes him, that *Adam* had over *Eve*,

* *Sozom. l. 6. c. 6.*

to

to whomGod gave him for herHusband: So every Elected Soveraign,by virtue of his Soveraignty,hath the ſame Power of the People which choſe him, as *Saul*, or *David* had over the *Iſraelites*, over whom they were anointed by God.

Wherefore all rightful Soveraigns, having the ſame right to the Soveraign Power, and the Soveraign Power placing all rightful Soveraigns in immediate Authority, next under God, it muſt needs follow, without diſtinction, that thoſe Subjects who riſe up againſt their Lawful Soveraigns, riſe up againſt God, whoſe Vicegerents their Lawful Soveraigns are.

Having now ſhewn, That *it is not lawful for Subjects to riſe up againſt lawful Soveraign Kings and Princes, but that thoſe who do ſo, riſe up againſt God, whoſe Vicegerents Soveraign Kings, and Princes are*, I now proceed to make ſome uſeful Reflections upon the whole Diſcourſe.

Firſt then, from what I have delivered unto you, upon the Doctrine of not reſiſting Soveraign Princes, you may perceive the Vanity of that diſtinction, betwixt the *Kings perſonal*, and *political Capacity*, which is the ſame that was made of old by the two *Spencers*, betwixt the *Politick*,and *Natural Perſon* of the King.

Upon this diſtinction the Common-wealths-men teach the People, that *Obedience, or Allegiance is due to the King, upon the account* of his Politick, *and not of his Natural PERSON*; and this poiſonous Principle being once admitted, two more follow from it, *viz.* That *if the King do not perform the Duty of his Political Capacity, as King, the Subjects are free from their Allegiance to his Natural Perſon*, and that *if he cannot be reformed by fair means, and perſwaſions, he may be reformed by force.* Theſe three Principles are the ſubſtance of Mr. *Sidney*'s Speech, and of that part of his Anſwer to Sir *Robert Filmer*, which is in his Tryal, and indeed of all that the

the Common-wealth Writers ever did, or ever will be able to ſay.

Wherefore let us proceed to examine this diſtinction, which certainly is founded upon a formal difference betwixt the *King*, and the *Man*, or betwixt *Charles* (for example) as he is a *King*, and as he is a *Man*. Theſe are indeed different reſpects belonging to the ſame Perſon, and are allowable in abſtract Diſcourſes, when men talk as Logicians, but are not allowable in *Divinity*, and *Law*, both which conſider the *King*, and *Man*, as one Perſon, and the Kings *Politick Capacity*, and his *Natural Perſon*, to which it is united, as the ſame *real thing*.

Firſt then in Divinity, the Kings Politick Capacity, and his Natural, are conſidered as the ſame real thing. This is plain from the words of *David* unto *Saul*. *The Lord delivered thee into my hand this day, but I would not ſtretch out my hand againſt the Lords anointed.* And ſo unto the young Man who killed him, he ſaid, *how, waſt thou not afraid to ſtretch forth thine hand to deſtroy the Lords anointed?* Here it is plain that *David* looked upon the Lords anointed, or the King, and the Natural perſon of *Saul*, who had been anointed unto the Kingly Office, as the ſame real thing, and that as the King did imply the Natural Perſon of *Saul*: So the natural Perſon of *Saul* did imply the King, and that what was done to one, was done to both. So in *Pſal.* 50. 10 *v. Great deliverance giveth he to his* King, *and ſheweth mercy unto his anointed, to* David, *and his ſeed* for evermore. Here *David* and the *King* connote the ſame Perſon, and the Mercy, which God ſhewed unto one, he ſhewed unto both.

So in the New Teſtament, ſaith our Lord, *Render unto* Cæſar *the things that are* Cæſars, *i. e.* Render unto *Cæſar* the Emperour, the things that are the Emperours, the Natural, and the Political *Cæſar* being the ſame Perſon, to whom Tribute was due. And

And indeed there is such a real Identitie betwixt these two, that one doth always imply the other, when-ever they are spoken of in the Scriptures in reference to their Subjects. *I appeal unto* Cæsar, saith *Paul* unto *Festus*, *i. e.* I appeal unto the Emperour. So saith St. *Pet. Submit your selves unto every Ordinance of man for the Lords sake, whether it be to the King*, or Emperor, *as Supream, or unto his Governours, as unto them that are sent by him.* In those places *Cæsar* denotes the *Emperor*, and this the *Emperour* denotes *Cæsar*, and were not the Obedience, which is commanded unto the King, or Emperour due unto the man, Obedience unto him might as well not be commanded at all. For it is in this case, as it is in a Statue, which is made up of the *matter*, and *form*; the matter may be conceived without the form, and the form without the matter, [as the Political Capacity of the King may be conceived without his Natural Person, and his Natural Person without his Political Capacity] but the Worship, and Respect, which formerly was paid to the Statues of Gods, and Kings, had for its Object the *Statue* as it really was in it self, without distinguishing matter from form. Whatever Affront was offered to the Statue of *Jupiter*, or *Cæsar*, was punished, as offered to the Form; and it would have been to no purpose for the Malefactor to have pleaded before the Tribunals, that the Indignity he did to the Statue, was intended only to the *Wood*. In like manner to speak as Christians, it will stand the Rebels in no stead, to plead before the Tribunal of Christ, at the Day of Judgment, when he shall try them by his written word, to say unto him, "Lord, we rose up against the *Natural Person* of the "King, and not against his *Political Capacity*, we only "fought against his *Natural Person*, and imprisoned his "*Natural Person*, and slew his *Natural Person*, but all "this while we meant well to his *Political Capacity*, and "had a great Veneration for that.

Let

Let any of the Common-wealths-men ſeriouſly conſider, whether this Plea is like to avail any thing at the day of Judgment, nay let them conſider, if they would allow their own Children to ſet up this diſtinction in their Families, betwixt their *Paternal Capacity*, and their *Natural Perſons*, and upon this diſtinction to raiſe the ſame Doctrines, and engage in the ſame Practices againſt them, that they did againſt the King? I believe none of them would be ſatisfied to have his Son bow unto his *Paternal Capacity*, and then riſe, and beat *his Natural Perſon*, contrary to the Precepts of Holy Scripture, which commands Children to honour their Fathers, and Mothers, and obey their Parents in the Lord. Theſe Precepts cannot be made void by the formal diſtinction between the Paternal Capacity, and Natural Perſon of the Father; for then our Saviour would never have blamed the *Phariſees* for ſaying *Corban* to their Fathers and Mothers, *i. e.* to the Natural Perſons of their Fathers and Mothers, when they were in want. And if there be no room left for Children, thus to diſtinguiſh away their Duty to their Parents, then let any impartial Man judge, if Subjects be allowed to diſtinguiſh away their Chriſtian Duty to their lawful Soveraigns in the like manner, and ſo to make void the Law of God.

But 2*ly*. As the different reſpects of the *King* and the *Man* in the ſame Perſon, are the ſame real thing in *Divinity*; ſo they are in *Law* too. This is plain from the words of 25 *E.* 3. *c.* 2. concerning High-Treaſon. *The King, at the requeſt of the Lords, and of the Commons, hath made a Declaration in the manner, as hereafter followeth, that is to ſay, when a man doth compaſs or imagine the death of our Lord the King, of my Lady his Queen, or of their Eldeſt Son, and Heir, or if a Man do violate the Kings Companion, or the Kings Eldeſt Daughter unmarried, or the Wife of the Kings Eldeſt Son, and Heir*——

Here the Law plainly conſiders the Royal Capacity of the King, and his Natural Perſon, as the ſame thing in reality; for it hath made it High Treaſon to compaſs or imagine the Natural Death of the King, which can belong to nothing but his *Natural Perſon*, and it is his Natural Perſon (to which the Political Capacity doth adhere) that can only make a Declaration, and have a Wife, and a Son, and a Daughter; and therefore it is High-Treaſon to levy War againſt the Natural Perſon of the King. The King here implies the Man, and the Man implies the King, as the words *Chancellor*, *Treaſurer*, and *Kings Juſtices*, imply the individual Men that bear thoſe Offices, in the other part of the Statute; *and it ought to be judged Treaſon, if a Man ſlay the Chancellor, Treaſurer, or the Kings Juſtices of the one Bench, or the other*.... So likewiſe it is the Natural Perſon of the King, that is Anointed, and hath the Crown ſet upon its Royal Head, at the Coronation. And laſtly, it is the *Natural Perſon* of the King, that immediately upon the Diſſolution, and Deceaſe of his Royal Predeceſſor, doth by Inherent Birthright, and Lawful, and undoubted Deſcent, ſucceed unto the Crown, as being the Rightful, Lineal, and next Heir of his Natural Perſon.

I have been ſo particular in confuting this diſtinction between the *Political Capacity*, and *Natural Perſon* of the King, becauſe the *late Rebellion* was, as it were, founded upon it, though it had been Condemned by two ancient Acts of Parliament, one in the Reign of *Edw.* 2. called *Exilium Hugonis le Spencer*, and the other in *Ann.* 1 *Edw.* 3. *c.* 2.

Nevertheleſs the cunning Ringleaders of the deceivable Multitude, by the help of this diſtinction, made them think they fought for the King, when they fought againſt his Natural Perſon, and ſhot Bullets againſt it, which were no reſpecters of Perſons, nor capable of ſo much

much Logick, as to diſtinguiſh between the King, and the Man. And truly, were it to be admitted, it would Evacuate both the Goſpel, and the Law of the Land, and we might begin another Rebellion upon it, and with good Conſciences, conſpire, and riſe up againſt the King, againſt whom *Agur* ſaith, *there ought to be no riſing up.*

But in the Second place, from what I have delivered upon this Subject, you may perceive, what a deep tincture of Rebellion they have, and how fooliſhly their diſpoſition to it makes them prate; who, when they hear a Miniſter Preach about Subjection, and Obedience to the Soveraign Power, and eſpecially about *paſſive Obedience*, ſay, they would not have Miniſters meddle with the Government in the Pulpit, or Preach about matters of Government, but Preach up Chriſt; as if to Preach up Obedience to the King, for Gods ſake, and Preach down Military Reſiſtance, were not to Preach up Chriſt. They may as well ſay, when they hear us Preach up the Duty of Children to their Parents, or of Servants to their Maſters; that they would not have us meddle with their Families in the Pulpit, but Preach up Chriſt; or when we Preach againſt the falſe Balance, falſe Weight, and falſe Meaſure, they may as well ſay, that they would have us not to meddle with Trade in the Pulpit, but Preach up Chriſt.

For it is the Duty of Miniſters to Preach up all the *Relative* Duties, and more eſpecially the Duty of Subjects, among a Rebellious People, as moſt tending to the publick Good; and they, who preach up the Duty of any one ſort of Men, according to the Doctrine of the Goſpel, preach up Chriſt, as much, as thoſe, who preach upon the infinite Merits of his Blood. For it was the Deſign of the Goſpel to make Men good in all Relations, and particularly to make good Subjects, and ſuch effect it had upon the Profeſſors of it in the firſt Ages of Chriſtianity; that, as the Apologiſts for the Chriſtian Religi-

on obſerved unto the Emperors, it made the Chriſtians better Subjects, than other Men. It made them chearfully obey the Emperour, and the Governours under him in all lawful things; and when things unlawfu lwere Commanded by them, it made them ſuffer with patience and conſtancy, rather than reſiſt, after the Example of their ſuffering Saviour, who had left them an Example, that they ſhould follow his ſteps. They were thankful to God for good Princes, as for the greateſt Bleſſing; and looked upon bad ones to be ſent by him, as well as the good. *He* (ſaith * *Auguſtine*) *that gave the Empire to* Marius, *gave it alſo to* Julius Cæſar, *he that gave it to* Auguſtus, *gave it to* Nero; *he that gave it Succeſſively to thoſe mild Emperours, the two* Veſpatians, *gave it alſo to the moſt cruel* Domitian, *and not to inſiſt upon more Examples; he that gave it to* Conſtantine *the Chriſtian, gave it to JULIAN THE APOSTATE.* They took their Princes from God, as they did the Weather, they were thankful for good ones, and ſuffered Patiently under the bad, according to the Apoſtles Rule, who ſaid, *But if when you do well, and ſuffer for it, ye take it patiently, this is acceptable to God.*

* *De Civit. Dei, l. 5. c. 21.*

This was true, and laudable Divinity, in the former Ages of Chriſtianity; and be who he will, that ſpeaks, or Writes againſt it now, or traduces the Orthodox Clergy of this Church unto the People for maintaining of it, he wants very much the faith, and temper of a Chriſtian, and *ſavoureth not the things that be of God, but the things that be of Men.* Wherefore whenever you hear any Man exclaiming againſt the Chriſtian Doctrine of Non-reſiſtance, and miſ-repreſenting the Clergy, as promoters of *Tyranny*, *Slavery*, and *Arbitrary Power*, becauſe they Preach it up in oppoſition to Rebellion, *note that man*, and aſſure your ſelves, that he hath already conceived *Lucifer* within him, and is a Rebel in his Heart.

There-

Therefore in the Third place, from what I have delivered upon this Subject of *not reſiſting lawful Soveraign Princes*, you may perceive what an unchriſtian Spirit, *the Spirit of Reſiſtance is.* It is ſo far from ſavouring of God, that it ſavours ſtrongly of the Devil, who fought againſt God; and where it reigns in Men, it will make them take up Arms, not only Defenſive, but Offenſive, and Murmur, and Rebel, not only againſt Kings, who come to reign by Gods Providence, but againſt Kings, who are ſet up in a Miraculous manner, by immediate deſignation from God. Thus *Corah*, and his Accomplices Conſpired againſt *Moſes*, and *Abſalom* againſt his Father *David*, and I do not in the leaſt doubt, but that the Ring-leaders of the late Rebellion, would after their Example have done what they did againſt our Bleſſed Soveraign, though he had been ſet upon his Throne, by the Miraculous hand of God. Had God ſent a Prophet to anoint him, and wrought wonders at his Coronation, in the Eyes of the People; yet like *Corah*, and *Abſalom*, they would have complained of Grievances, and want of good Adminiſtration; and their Preachers would have compared him, as they did, to *Saul*, and told the People, that God had rent the Kingdom from him, and rejected him, and his Houſe.

Nay, ſhould God now ſend Prophets, to proclaim our preſent Soveraigns Right to the Crown, and enable them to work Miracles to prove their Miſſion from him, yet theſe Antimonarchical Spirits, impatient of Superiority, would likely hate them, as much, as they hate us for Preaching up the Prerogative, and tell the People, leſt they ſhould believe their Doctrine, and Miracles, that they were for Arbitrary Power.

Nay in all probability they would likely hate the King the more upon the account of his Divine Unction, and as their Elder Brethren, under the *Jewiſh* Theocracy did, ſin againſt Miracles, rather than not Rebel.

For

For the Spirit of Reſiſtance is an Evil Antimonarchical Spirit, full of Pride, and Envy againſt Superiors; which made the *Jews* reſiſt all the Miracles of Chriſt, and put him to Death, though God had proclaimed him for his Son, by a voice from Heaven, as loud as Thunder; and which made *Lucifer* in Heaven Rebel againſt God, for no other reaſon, but becauſe he was above him. I ſay, the Spirit of Reſiſtance, is an Evil Antimonarchical Spirit, and the Antimonarchical Spirit, is an Evil, and Reſtleſs Spirit of Reſiſtance, which would make the Common-wealths-men Murmur, and Rebel, though the Ark of God were in the Camp.

For they hate Monarchs, becauſe they themſelves affect the Monarchy, and would ſhare the Soveraign Power, and Crown-Lands among them; and this makes them act againſt their known Duty, as much as *Lucifer* and his Train did in Heaven, or the Rebels under the Theocracy did.

For to begin at the firſt Scene of Treaſon, and Rebellion, which is ſlandering, and ſpeaking Evil of our Governours, which of the leading Men of the late unnatural Rebellion, did not know, that it was againſt the Chriſtian Religion, and the Laws of this Realm, ~~not~~ to defame the King among his People? *Thou ſhalt not revile the Gods* (ſaith *Moſes*) *nor curſe* [or ſpeak evil of] *the ruler of thy people, And*, ſaith *Solomon, curſe not the King, no* ~~not~~ *in thought, for a bird of the Air ſhall carry the voice, and that which hath wings ſhall tell the matter.* And to deſpiſe Dominion, and ſpeak Evil of Dignities, is the Character of the Wickedeſt ſort of Men in St. *Jude*, and certainly nothing can be more contrary to that excellent Doctrine of St. *Paul*, which commands us to Honour our Governours, as Gods Miniſters; and of St. *Peter*, who Commands us to fear God, and Honour the King.

To

To theſe Precepts of Holy Writ, agree the Laws of this Realm, both Ancient and Modern. *Foraſmuch* (ſaith the Statute of *Weſt.* I. *c.* 34.) *as there have been oft-times found in the Country, deviſers of Tales, whereby Diſcord, or occaſion of Diſcord, hath many times ariſen between the King, and his People, or great Men of this Realm: For the damage that hath, or may thereof enſue, it is commanded, that henceforth none be ſo hardy to tell, or publiſh any falſe News or Tales, whereby Diſcord, or occaſion of Diſcord, or Slander may grow between the King, and his People, or the Great Men of the Realm, and he that doth ſo ſhall be taken, and kept in Priſon, until he hath brought him into the Court, which was the firſt Author of the Tale.*

* There are other later Laws for Convicting, and Attainting thoſe, who ſpeak Falſe, Seditious, and Slanderous News, or Tales of the King, either of their own imagination, or from the report of others; but the Leaders of the late Rebellion, broke all theſe Bonds of Divine, and Humane Laws aſunder, that they might render the King, and Government odious to the People, and by that means diſpoſe them to Rebell. * 1 & 2. *Ph. & Mar. c.* 3. 1 *Eliz.* 6.

To inſiſt upon all the unjuſt Slanders which they raiſed upon our late moſt Religious Soveraign, would require an Hiſtory, and therefore I ſhall but remind you of one, which was his being a Papiſt, and Popiſhly affected, and deſigning to ſet up the Popiſh Religion, though they knew the * Papiſts, and more particularly the *Jeſuits* had Conſpired his Deſtruction; *becauſe*, as the Words of the Diſcovery are, *they could hope for nothing from him which might ſeem to promote the Popiſh Religion*; and though he had given all aſſurances, that it was poſſible for a Man to give, of his being an

* *As appeared by the diſcovery made by* Andreas ab Habernsfield, *to the Archbiſhop of* Canterbury, *in the year* 1640.

an hearty Proteſtant, particularly at *Chriſt-Church* in *Oxon*, 1643, when being to receive the Holy Euchariſt, he roſe up from his Knees, and beckning to the Archbiſhop of *Armagh*, who adminiſtred the Sacrament, for a ſhort forbearance, he made the following Proteſtation.

My Lord, *I eſpy here many reſolved Proteſtants, who may declare to the World the Reſolution I do now make. I have to the utmoſt of my Power prepared my Soul to become a worthy Receiver; and may I ſo receive Comfort by the Bleſſed Sacrament, as I do intend the Eſtabliſhment of the true Reformed Proteſtant Religion, as it ſtood in its Beauty in the happy days of Queen* Elizabeth, *without any Connivance at Popery. I bleſs God that in the midſt of theſe publick Diſtractions, I have opportunity to Communicate; and may this Sacrament be my Damnation, if my heart do not joyn with my Lips in this Proteſtation.*

After this he Diſputed for the Proteſtant Religion againſt the Marquiſs of *Worceſter*, at *Ragland Caſtle*; and yet he was ſtill a Papiſt in the ſlanderous Reports of the Rebels, even until the moment, that he renounced Popery with his laſt Breath upon the Scaffold, declaring to all the World, that he dyed in the Faith and Communion of the Church of *England*; which of all reformed Churches is moſt contrary to Popery, and moſt hated by the Papiſts upon that account.

But to proceed one ſtep further in my Parallel of the late Leading Rebels, with *Lucifer*, *Corah*, and *Abſalom*, which of them did not know, that taking up Arms againſt their Soveraign Lord, was a ſin, and one of the moſt grievous ſins too, that could be committed againſt the Law of God, and Man? St. *Paul* ſaith plainly, That *whoſoever reſiſteth the power, reſiſteth the Ordinance of God, and that they that reſiſt ſhall receive unto themſelves Damnation.* And by the Common, and Statute-Law of this Kingdom it is, and ever was Treaſon

ſon * *to levy War againſt our Lord the King in his Realm, and to be adherent to the Kings Enemies, in his Realm, giving to them Aid or Comfort in the Realm, or elſewhere.* * 25 Edw. 3. c. 2.

Laſtly, Which of theſe leading Rebels, who were acted by the Spirit of Reſiſtance, did not know that it was a crying Sin againſt the Law of God, and Man, to put their Soveraign Lord to death.——When *David* and *Abiſhai* found *Saul* ſleeping; *Abiſhai* told him, that God had delivered his Enemy into his hand, and prayed *David* to give him leave to *ſmite him even to the earth at once.* But *David* ſaid, *Deſtroy him not, for who can ſtretch forth his hand againſt the Lords anointed, and be guiltleſs? As the Lord liveth the Lord ſhall ſmite him, or his day ſhall come to dye, or he ſhall deſcend into battel, and periſh; the Lord forbid, that I ſhould ſtretch forth my hand againſt the Lords anointed; but take the ſpear and the cruſe of water, and let us go.* So when he had cauſed the young *Amalekite*, that put him to death, to be ſlain, he ſaid unto him, *Thy blood be upon thy head, for thy mouth hath teſtified againſt thee, ſaying, I have ſlain the Lords anointed.* And ſo in the forecited Law of this Realm, it is made Death *to compaſs or imagine the Death of our Lord the King*; and in * Conſtruction of Law, to take the King by force, and detain him in cuſtody till he hath yielded to certain demands, is a ſufficient Diſcovery or *Overt act*, to prove the Compaſſing, and Imagination of the Death of the King. For this in effect is to make the King a Subject, and deſpoil him of his Soveraign State and Dignity, as it hath fallen out by woful experience, in the Caſe of *Edw.* the II. *Richard* the II. *Henry* the VI. *Edw.* the V. and of our late Bleſſed Soveraign, who was Arraigned and Condemned, as a private man; for the ſame

* *So it was Reſolved by all the Judges of* England, Hil. 43. *of* Eliz. *in the Caſe of the Earl of* Eſſex, *and* Hil. 1. Jacob. *in the Caſe of the Lord* Gray, *Lord* Cobham, *and* Watſon, *and* Clerk, *Seminary Prieſts.*

cauſe it is High Treaſon to ſeize the Kings Forts, Ports, Ships, or Magazines of War, and yet all this was done by the late Rebels, under the pretence of Reformation, before they could come to act the laſt Scene of that bloody Tragedy, which they concluded this day.

He was put to Death upon the moſt unjuſt Sentence, that ever was pronounced, and that the Iniquity of it may more fully and diſtinctly appear, it will be proper both to my Argument, and the buſineſs of the day, to try his very Tryal by the Laws. Firſt, In inquiring into the Quality of the Perſon Arraigned. 2*ly*, In inquiring into the Authority of the Court, before which he was Arraigned; and 3*ly*, In inquiring into the Style, and matter of the Charge, upon which he was Arraigned; and laſtly, In inquiring into the manner of their proceeding.

Firſt, Then if we inquire into the Quality of the Perſon Arraigned; it was, as I have already ſhewn, *Our Soveraign Lord, who had no Superiour, to whom he was accountable, but God, the fountain of all Juriſdiction, and Authority within his Dominions, and Supream, and only Supream Governour of this Realm.* For Subjects to Arraign their Soveraign, is ſuch an abſurd thing in Common Law, and Reaſon, that *Bradſhaw* aſſerting the Supremacy of the Commons, told him, *It was not for him, nor any other Man, to diſpute the Juriſdiction of the Supream, and higheſt Authority of* England, *from which there is no Appeal, and touching which there muſt be no diſpute.* This is a Maxim in all Governments, *that the Supream Authority is unaccountable,* and above the Laws, otherwiſe it could not be Supream; and therefore he being by the fundamental Laws of this Government *only Supream,* it was the higheſt Impudence, and Uſurpation, that ever was acted on the face of the Earth, to Arraign him before his own Subjects, who could have no legal Juriſdiction,

But

but what they derived from him. This made the Bleſſed Martyr ſtill ask them, by what Authority he was brought to their Bar, and by what Authority they ſat in Judgment over him, who was their Lawful King? And to this he always received the ſame anſwer, That they ſat there by the Supream Authority of the Commons of *England*, aſſembled in Parliament, which he was not to diſpute.

This, to proceed to my Second Particular, was all the Authority they pretended; and truly had the Commons of *England* aſſembled in Parliament, been Supream by Law, and thoſe the true Commons legally aſſembled, their Anſwer had been good, but the Commons of *England*, as I have already proved, are not by Law any Court of Judicature: and I hope I need not prove, that thoſe Commons were Sons of Earth, and Miſcreants, who had uſurped the Priviledge of the Commons of *England*, fully Aſſembled in Parliament, as well as the Supreme Power of the King. Wherefore the High Court of Juſtice, before which our Bleſſed Soveraign was Arraigned, was a Mock Court of Traytors, utterly void of Authority, as was the Parliament, from which they derived their Juriſdiction, a Mock-Parliament, and meer Aſſembly of Traytors, Sons of *Belial*, whoſe Luſt and Arbitrary Power, was their Law.

And as the Authority, which they pretended, was, Illegal, ſo the Charge which they drew up was moſt Inſolent, Falſe, Abſurd, and Illegal too. For, firſt, it is called a *Charge of High Treaſon*, whereas by the Laws of this Realm, there is no *High Treaſon*, but againſt the King. It is High Treaſon to Compaſs, or Imagine his Death, or the Death of his Queen, or Eldeſt Son and Heir. It is High Treaſon to levy War againſt him in his Realm, to adhere to his E-

nemies, to counterfeit his Great, or Privy Seal, or his Coin, or to ſlay his Chancellor, Treaſurer, or any of his Judges, being in their Place, doing their Offices; alſo it is High Treaſon, to ſeize his Forts, Caſtles, Ports, Shipping, and Magazines of Armes, as the Uſurping Commons, by whoſe Authority he was Arraigned, did.

And as it was falſly called a charge of High-Treaſon, ſo it was abſurdly ſaid to be drawn up in the *Name of the Commons of* England. For by the Laws of this Realm all Charges, and Impeachments for High Treaſon, and other high Crimes, are to be drawn up as the Kings Suit, in the name of the King. Indeed the Commons of *England*, lawfully aſſembled in Parliament, have a Power of Impeaching any Subject of High Treaſon, at the Bar of the Lords, but then the Impeachment is at the Kings Suit, as much as any ordinary Indictment; and therefore a Suit in the name of the Commons of *England*, for High Treaſon, is as great an Abſurdity in Law, as it would be in the name of any ſingle Commoner, all the Commons of *England* together, being by Law as incapable of having High-Treaſon committed againſt them, as is any ſingle Man.

Beſides, thoſe Villains were no more the Commons of *England*, than a Band of Thieves and Robbers could be the Common-Council of *York*, or *London*, though they ſhould call themſelves ſo, and boldly uſurp their ſtyle, and power.

In the Charge it ſelf he is ſaid to have been *admitted King of* England, as if he had been admitted upon an Election of the People, whereas he came to be King by Birth-right, and Inheritance, *England*, as he told them, *having never been an Elective, but always* an Hereditary Kingdom; and the truſt, which they

they ſay, was committed unto him, was, as I have ſhewn above, and as he anſwered them, committed unto him by God, and not by Man. The ſumm of the Charge is, *That out of a wicked deſign to erect and uphold in himſelf an unlimitted, and Tyrannical Power, he traiterouſly, and maliciouſly levied War againſt the Parliament, and the People therein repreſented.* Which Charge is a meer Abſurdity in Law, becauſe the King alone is truſted with the power of the Sword, and may raiſe what Forces he pleaſeth; and the People of *England*, by Law, never had any Power to take up Armes, but by Commiſſion from him. This I have ſhewed above, and therefore if he had raiſed Arms to ſet up Arbitrary Power, and overthrow the Rights, and Liberties of his People; yet nevertheleſs it had been High-Treaſon in them to take up Arms againſt him, the Law having abſolutely forbidden his Subjects *to levy War againſt him in his Realm*, as being of all Evils the moſt intolerable for Subjects to take upon them Royal Authority, as to levy War upon any pretence whatſoever, is, and ever was without Warrant from the King.

But then to manifeſt the falſity of this Charge, that he went about to ſet up Arbitrary, and Unlimited Power; I appeal to the many and great Conceſſions which he made, more and greater than any of his Predeceſſors ever made for the Eaſe and Liberty of his People. Could he in Honour have owned the Authority of the Court, and pleaded in his defence, he might have made his Innocence appear by appealing to the *Petition of Right*; to the Act for taking away the *Star Chamber*, and *regulating the Privy Council*, to the Act *for taking away the High-Commiſſion Court*, to the Act for declaring *the Proceedings about Ship Money, unlawful and void*; not to inſiſt on

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all the other moſt gracious Offers, and Conceſſions of His Majeſty, which ſhew he was willing to do all things but Un-king himſelf, and his Succeſſors, for the publick Peace.

* *See the Tryal of Colonel* Euſeb. Andrewes. * *Cap.* 29.

As to the manner of * Proceeding in the *High Court of Juſtice*, it was moſt Arbitrary, and Illegal, againſt the moſt Sacred, and Inviolable Article of * *Magna Charta*, which Ordains, that *no man is to be tryed, but by the Lawful Judgment of his Peers, according to the Law of the Land.* But theſe *High-Courts of Juſtice falſly ſo called*, never Tryed Men by their Peers, but by Majority of Votes, every Man at their Judgment Bar being Condemned or Acquitted, as they in their Conſciences ſhould Vote him Guilty, or Innocent. This Conſideration made his Majeſty tell them, when they charged him with a Deſign to deſtroy the Liberties of the People, That *he ſtood there more for the Liberty of his People, than any of his pretended Judges*, of whom I may ſay as the Prophet *Dan.* ſaid of *Nebuchadnezzar, whom they would they ſlew, and whom they would they kept alive.*

I am confident, could they have found a ſufficient number of *Earls*, and *Barons* fit for their purpoſe, they would have had a Jury of them, and told the King, out of *Bracton*, That *they were called COMITES, as being Companions to the King*, but not daring to truſt to Juries of any ſort, they would have proceeded upon him, as they did upon many of his Loyal Subjects after him, according to their own Conſciences, without any Tryal by pretended, or real Peers.

To conclude all, from the whole Diſcourſe, as I have Preached it unto you in ſeveral Sermons, you may perceive what an horrible, and unnatural Rebellion the late War againſt our Bleſſed Soveraign was, and how utterly diſagreeable to the Chriſtian Religion, and the Laws of this Realm. It was a great Scandal to the Proteſtant Name and Religion, that ſuch a Wickedneſs was begun, carried on,

on, and conſummated under a ſhew of falſe Zeal againſt Popery, and I believe it hath made more Papiſts among us, than all the *Emiſſaries* could, without the help of ſuch a Scandal, have done. It is an aſtoniſhment to conſider, that People ſhould be led but once by the meer ſhew of Religion againſt their known Duty as Subjects, and Proteſtants, but that a ſecond time, in the compaſs of ſo few years, they ſhould be ſo ready again to follow the ſame ſort of Men, is an inſtance of folly beyond parallel, and ſcarcely to be reſolved but into a judicial blindneſs, God perhaps having ſent among ſo many thouſands of us *a ſtrong deluſion, that they ſhould believe a Lye.*

But tho' there is ſo great a number of ſuch amongſt us, who greedily hear and embrace *the falſe Doctrine of Reſiſting Soveraign Princes*, and run after thoſe, as their only Patriots, and Deliverers, who Preach and Practiſe the ſame, yet there is yet a greater, and much more conſiderable number among us, who being true Proteſtants of the Church of *England*, and having the Spirit of Primitive Chriſtianity in them, profeſs the paſſive Doctrine of Non-reſiſtance, believing they have as much reaſon, after the Example of many of the Prophets, to ſuffer patiently under an Apoſtate Tyrant, who perſecutes unjuſtly againſt Law, as after the Example of the Apoſtles, and their Proſelytes, to ſuffer patiently under ſuch Tyrants, who deſtroyed their Subjects by moſt Unjuſt, Impious, and inhumane Laws. I hope the far greater number of thoſe who are this day aſſembled in our Churches, are ſuch Proteſtants, as upon this very Principle, lament and bewail that out-ragious Wickedneſs, which was committed in it, againſt God, and the King, but if by chance there be Hypocrites among us, who keep this Faſt out of Cuſtom, and Formality, or meerly becauſe they would be thought Loyal, thoſe Hypocrites do but mock God, who cannot be mocked, and inſtead

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of appeasing his Wrath for our former Rebellions, provoke him to give us up to greater Judgments, than we have ever yet felt.

It cannot be denyed, but there are some *among us*, who are not truly *of us*, but continue in our Communion, meerly because they are ashamed to joyn themselves to the separate Congregations, or which is yet worse, because they would Scandalize our Religion, and not have a *Church-man*, and a *Loyal Man*, as hitherto they have done, signifie the same thing. And if we would distinguish our selves from these false Brethren, who under the Pretence of being *Church-men*, do the Government double harm, we must upon all occasions Signalize our Loyalty both in word and deed. We must not rest in a luke-warm odious Neutrality, as too many do, but maintain the Kings just Prerogative, and all our relative Duties depending upon it, upon all occasions, in our several Spheres.

Those, who have opportunity of Acting must Act for it, and those who are able to speak for it, must not hold their Tongues. Nay, those who have Reading, Parts, and Leisure, must, when it is needful, Write for it, and publickly convince Gain-sayers, from the Pulpit, and the Press.

This will be the way to atone God for the sins of our Rebellious Ancestors, and convince the King that the Sons and Daughters of this Apostolical Church are such Loyal Subjects, as according to the Doctrine of it, they ought to be. In a word, this will be the way to recommend our Anniversary Fastings, and Prayers unto God, and oblige him, whose immediate Ministers Soveraign Princes are, to forgive the Crying Sin of this Day. Otherwise the Rebellion against our Gracious Soveraign, and the Murder of his Sacred Person, like the Sin of *the Golden Calf* among the *Jews*, will be an Ingredient in all our future Judgments, from Generation to Generation, and provoke him to Plague us, as an incorrigible People, seven times worse, than he hath ever yet done.

But God of his infinite mercy give us Grace to prevent our Destruction by true Piety towards him, and true Loyalty to his Vice-gerent, through Jesus Christ our Lord, to whom, &c. Amen.

FINIS.